

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Parts 13 and 80 of the	)	WT Docket No. 00-48
Commission's Rules Concerning Maritime)	
Communications)	
)	
Petition for Rule Making Filed by Globe Wireless,	)	RM-9499
Inc.)	
)	

REPORT AND ORDER AND FURTHER NOTICE OF PROPOSED RULE MAKING

Adopted: March 27, 2002

Released: April 9, 2002

Comment Date: [90 days after Federal Register Publication]

Reply Comment Date: [120 days after Federal Register Publication]

By the Commission: Commissioner Copps approving in part, concurring in part, and issuing a statement.

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I. INTRODUCTION AND EXECUTIVE SUMMARY

1. In this *Report and Order*, we adopt changes to Part 80 of the Commission's Rules that were either proposed in or suggested in response to the *Notice of Proposed Rule Making* in this proceeding.¹ The *Notice*, released on March 24, 2000, proposed rule changes that were intended to consolidate, revise and streamline our Rules governing maritime communications pursuant to requests from the National GMDSS Implementation Task Force (Task Force)² and Globe Wireless, Inc. (Globe). These changes were proposed to address new international maritime requirements, improve the operational ability of all users of marine radios and remove unnecessary or duplicative requirements from our Rules.

2. The significant actions taken in this *Report and Order* are as follows: (1) the extension of the fishing vessel exemption from Global Maritime Distress and Safety System (GMDSS) requirements until one year after the United States Coast Guard (USCG) establishes Sea Areas A1 and A2; (2) the establishment of a Restricted GMDSS Radio Operator's License; (3) the authorization of the USCG or its designee to issue a Proof of Passing Certificate (PPC) that would allow operators to obtain an FCC GMDSS Radio Operator's License; (4) the modification of certain sections of our Rules to implement international standards; (5) the imposition of a mandatory watch on Channel 70 for voluntary vessels; (6) the allowance of J2B and J2D transmissions on frequencies currently reserved for Morse Code transmissions; (7) the removal of certification for Class S emergency position indicating radiobeacons (EPIRBs); and (8) the elimination of Subpart Q and the streamlining of Subpart R of Part 80 of the Commission's Rules. In addition, we today decide not to extend the fishing vessel exemption to other vessels.

II. BACKGROUND

3. In 1974, the International Maritime Organization (IMO)³ adopted the International Convention for the Safety of Life at Sea (SOLAS Convention).⁴ The main objective of the SOLAS Convention is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. In 1988, the IMO amended SOLAS to provide for the worldwide implementation of the GMDSS, a ship-to-shore distress communications system with ship-to-ship capabilities.⁵ The system utilizes automated (or semi-automated) communications via satellite, and

¹ Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Notice of Proposed Rule Making and Memorandum Opinion and Order*, WT Docket No. 00-48, 15 FCC Rcd 5942 (2000) (*Notice* or *NPRM*).

² The GMDSS Task Force was chartered by the U.S. Coast Guard to supplement government functions in expediting the implementation of the Global Maritime Distress and Safety System. The Task Force membership includes nearly one thousand representatives of government agencies, commercial vessel owners and operators, recreational vessel interests, training institutions, service agents, manufacturers, trade associations and maritime labor organizations.

³ The IMO is an agency of the United Nations that specifies regulations for the maritime service, such as equipment carriage requirements for certain classes of ship.

⁴ Earlier versions of the SOLAS Convention were adopted in 1914, 1929, 1948 and 1960.

⁵ Consolidated Text of the International Convention for the Safety of Life at Sea, 1974, and its Protocol of 1977: Articles, Annexes and Certificates, Incorporating All Amendments in Effect from 1 July 1997, International Maritime Organization, London, 1997.

advanced terrestrial systems using digital selective calling (DSC). Ships that are subject to the requirements of SOLAS, known as “compulsory ships,” are required to carry certain GMDSS radio equipment for safety purposes. Compulsory ships include all passenger ships that carry more than twelve passengers and all cargo ships of 300 gross tons and over conducting international voyages. In contrast, “voluntary ships” are not required to carry GMDSS equipment.⁶ The SOLAS amendments provided for the gradual worldwide implementation of GMDSS, from February 1, 1992 until February 1, 1999.

4. On January 16, 1992, the Commission adopted rules to implement the GMDSS in the United States, requiring the installation of GMDSS equipment by February 1, 1999.⁷ Additionally, the Commission incorporated into its rules international performance standards of the IMO and the International Telecommunication Union (ITU), and publications of the International Electro-technical Commission (IEC) and the International Standards Organization (ISO). Since 1992, however, many of these international standards have been revised to clarify, improve and update new GMDSS requirements. Consequently, the Commission issued the *Notice* proposing to (a) revise our Rules to implement changes in international standards and regulations; (b) delete or modify rules affected by full implementation of the GMDSS; and (c) delete or modify any other regulations deemed unnecessary or in need of clarification.⁸ The Commission also invited commenters to propose other necessary changes to Part 80.⁹

III. REPORT AND ORDER

A. Notice Proposals

1. Fishing Vessels and the GMDSS

5. *Background.* Pursuant to the GMDSS, cargo ships are required to carry varying amounts of communications equipment depending upon which of the four Sea Areas in which the vessel operates.¹⁰ Traditionally, fishing vessels have been treated under our Rules as cargo vessels because the

⁶ See 47 C.F.R. § 80.5(7). In practice, the term “voluntary ship” generally is understood to refer to a ship that is not compulsory, but nonetheless carries equipment. Unless otherwise indicated, our use of the term herein should be so construed.

⁷ Amendment of Parts 13 and 80 of the Commission’s Rules to Implement the Global Maritime Distress and Safety System (GMDSS) to Improve the Safety of Life at Sea, *Report and Order*, PR Docket No. 90-480, 7 FCC Rcd 951 (1992). For a fuller description of the GMDSS, see *NPRM*, 15 FCC Rcd at 5946-49 ¶¶ 5-13.

⁸ *NPRM*, 15 FCC Rcd at 5944 ¶ 2.

⁹ *Id.* at 5944 ¶ 2, 5951 ¶ 17. Leonard Robert Raish has suggested that the Commission convert this proceeding into a negotiated rulemaking in order to successfully complete the major rewrite involved in this proceeding. Leonard Robert Raish Comments at 1. Given the advanced stage of this proceeding, we disagree that such a conversion would result in a more rapid and efficient resolution.

¹⁰ Sea Area A1 is an area within radiotelephone coverage of at least one VHF coast station in which continuous DSC alerting is available as defined by the IMO. Sea Area A2 is an area, excluding Area A1, within radiotelephone coverage of at least one MF coast station in which continuous DSC alerting is available as defined by the IMO. Sea Area A3 is an area, excluding Areas A1 and A2 within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available. Sea Area A4 is an area outside Areas A1, A2 and A3. 47 C.F.R. § 80.1069(a).

Communications Act defines “cargo ship” as “any ship not a passenger ship.”¹¹ Because representatives of the fishing industry asserted that fishing vessels were specifically exempted from GMDSS rules in the SOLAS Convention and should be similarly exempt from the Commission’s GMDSS rules, the Commission granted a temporary waiver of the GMDSS rules for fishing vessels of 300 gross tons or more.¹² It noted that inasmuch as the requisite shore-based communications equipment for Sea Areas A1 and A2 have not yet been established along the U.S. coastline, fishing vessels would be required to carry the more expensive Sea Area A3 or A4 equipment in order to comply with the GMDSS rules in the absence of waiver relief.¹³ The Commission therefore found it appropriate to grant this temporary waiver pending a rulemaking proceeding addressing whether such fishing vessels should be required to comply with our GMDSS rules.¹⁴

6. In the *Notice*, the Commission proposed to extend the fishing vessel waiver until the USCG establishes appropriate Sea Area A1 and Sea Area 2 coast stations, after which we would require all compulsory vessels, including fishing vessels of 300 gross tons or more, to comply with all the GMDSS requirements appropriate to their area of operation.¹⁵ The Commission noted its concern that a separate safety system for fishing vessels would be expensive, difficult to administer, and would cause confusion during a distress incident.¹⁶ Therefore, it tentatively concluded that the safety benefits of requiring fishing vessels to fit DSC equipment outweighed the cost.¹⁷ The Commission sought comment on the proposed extension and on whether extending this exemption would place fishing vessels that are in distress at a greater safety risk.¹⁸

7. *Discussion.* Members of the Alaska Fishing Fleet commented that fishing vessels should be exempt from our GMDSS rules.¹⁹ They argue that the SOLAS Convention exempts such vessels from GMDSS requirements, in recognition of the distinct needs of fishing vessels. They assert that virtually all

¹¹ 47 U.S.C. § 153(39)(C). In the *Notice*, the Commission affirmed its view that fishing vessels of 300 gross tons or more are considered “cargo ships” and, therefore, subject to the GMDSS requirements. *NPRM*, 15 FCC Rcd at 5959 ¶ 32.

¹² Waiver of Certain Global Maritime Distress and Safety System (GMDSS) Rules Applicable to Fishing Vessels and Small Passenger Vessels, *Order*, 14 FCC Rcd 528, 534 ¶ 11 (1998) (*Fishing Vessel Order*).

¹³ *Id.* The need for vessels subject to the GMDSS rules to comply with the equipment requirements for Sea Area A3 until Sea Areas A1 and A2 are declared operational stems from Section 80.1069(a) of the Commission’s Rules, 47 C.F.R. § 80.1069(a). Section 80.1069(a)(3) defines Sea Area A3 as an area, excluding Sea Areas A1 and A2, within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available. Since INMARSAT coverage is already available, while the shore-based radiotelephone coverage that defines Sea Areas A1 and A2 does not yet exist domestically, Sea Area A3 currently extends to the shoreline, and a vessel subject to the GMDSS rules is deemed to be sailing in Sea Area A3 as soon as it leaves port.

¹⁴ *Id.*

¹⁵ *NPRM*, 15 FCC Rcd at 5959-5960 ¶¶ 32-33.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *See id.* at 5960 ¶ 32.

¹⁹ Alaska Fishing Fleet Comments at 1.

vessels operating in Alaskan waters are on the same communications system (monitoring of Channel 16 and 2182 kHz), and that it has been particularly effective. They believe that in that area, USCG assets and facilities are distant, and the first line of rescue comes primarily from other fishing vessels. Thus, they fear that breaking up that network by imposing GMDSS rules on a portion of the vessels involved in the network would reduce safety and impose an undue economic burden on the fleet.²⁰

8. We disagree. First, we note that the SOLAS Convention exempted fishing vessels from GMDSS in anticipation of the adoption of a separate treaty designed to cover fishing vessels and not due to any special safety characteristics of the fishing vessel fleet.²¹ Because it is not clear when or whether this treaty will come into force, we believe that reliance on the contemplated separate safety system for fishing vessels is unwarranted at this time.

9. Moreover, we agree with the USCG and the Task Force that full implementation of GMDSS in the fishing vessel industry will promote safety.²² Contrary to the Alaska Fishing Fleet's assertions, it cannot be anticipated that a fishing vessel will always, particularly in an emergency, be in short range communications contact with other fishing vessels. Because foreign ships subject to SOLAS requirements have been permitted to and have discontinued their watch on 2182 kHz since February 1, 1999, a fishing vessel outside VHF radio range would be unable to contact such SOLAS-class vessels under almost any circumstance, thereby undermining its ability to seek assistance from such vessels in a distress situation. Furthermore, GMDSS provides other safety capabilities not available in older systems, such as provisions for receiving unscheduled urgent maritime safety information. Moreover, a DSC signal is more likely to be heard than a radiotelephony call under any circumstance, particularly in conditions prevalent at certain times of year in Alaskan waters. Therefore, we conclude that fishing vessels should be subject to our GMDSS rules. However, consistent with the Commission's actions in the *Fishing Vessel Order*, we will delay requirements for fishing vessels to fit GMDSS equipment, specifically VHF-DSC and MF-DSC radio equipment, on vessels which sail exclusively in Sea Areas A1 and A2, until one year after the USCG establishes Sea Areas A1 and/or A2.²³

²⁰ *Id.*

²¹ See The 1993 Torremolinos Protocol (replacing The Torremolinos International Convention for the Safety of Fishing Vessels, 1977). The 1993 Torremolinos Protocol is to enter into force one year after 15 states with at least an aggregate of 14,000 vessels, equivalent to approximately 50% of the world fishing fleet of vessels at least 24 meters in length, have ratified the Protocol.

²² See United States Coast Guard (USCG) Comments at 9-11; see also National GMDSS Implementation Task Force (Task Force) Comments at 4.

²³ The Alaska Fishing Fleet contends that we should delay resolution of this issue "until some time closer to the date of [Sea Area A1] implementation" because such a delay would allow more time to evaluate the effectiveness of GMDSS on a national basis; would permit consideration and incorporation into the Commission's decision of the most recent technological developments in communications equipment; and would allow the Commission to consider more contemporary market prices for state-of-the-art GMDSS technology, thus permitting a more informed costs-benefits analysis of requiring GMDSS implementation by fishing vessels. Alaska Fishing Fleet Comments at 3. We believe the existing record is sufficient to demonstrate that requiring fishing vessels to comply with GMDSS following expiration of the exemption will indeed promote marine safety and that those safety benefits outweigh the costs of outfitting fishing vessels with the requisite equipment. In addition, we believe postponing a decision could engender unnecessary regulatory uncertainty not only for fishing vessel owners and operators but also other maritime radio users. The public interest is served by providing clear notice that fishing vessels will have to comply with the GMDSS requirements following expiration of the exemption; this (continued....)

10. We note that the Commission has long required that fishing vessels comply with provisions of the Communications Act and of our Rules that are applicable to cargo ships.²⁴ For example, prior to the implementation of GMDSS, fishing vessels were required to carry the radiotelegraph and radiotelephone equipment required for cargo ships. Furthermore, during our gradual implementation of the GMDSS system, fishing vessels were previously subject to GMDSS requirements. Thus, since August 1, 1993, they were required to begin carrying certain GMDSS equipment, specifically NAVTEX receivers and satellite EPIRBs.²⁵ Consequently, full compliance with our GMDSS rules will only require the addition of one piece of equipment for fishing vessels sailing in Area A1 (a VHF-DSC), and two radios for vessels sailing in Area A2 (a VHF-DSC and MF-DSC).²⁶

11. Finally, the *Fishing Vessel Order* stated that the exemption applies to “commercial vessels that catch and/or process fish and other marine life.”²⁷ Trident Seafoods Corporation (Trident) requests that we include fish tender vessels in our decisions regarding GMDSS applicability to fishing vessels.²⁸ Fish tender vessels transport fish and materials to and from fishing vessels, fish processing vessels and shore on an almost continuous basis. Trident asserts that the communications between tender vessels, catcher boats and fish processors are essential to safe operations, and that all concerns outlined in the *Fishing Vessel Order* apply to tender vessels as well. It also points out that U.S. laws bring fish tender vessels within the definition of “commercial fishing industry vessel.”²⁹ We agree with Trident that fish tender vessels are normally included in the category of fishing industry vessels. Thus, we hereby clarify that these vessels are included within the scope of the exemption for fishing vessels.

2. Commercial Operator Licenses

a. Restricted GMDSS Radio Operator’s License

12. *Background.* Presently, we issue one type of commercial radio operator license for GMDSS operators, the GMDSS Radio Operator’s License (GROL), which requires familiarity with all GMDSS equipment required for vessels sailing within all four sea areas. This license was essentially established for operators on ships sailing on extensive international ocean voyages, and the Commission tentatively concluded in the *Notice* that it appeared onerous to require such knowledge for operators on ships sailing only within Sea Areas A1 and A2.³⁰ Thus, consistent with ITU regulations permitting a

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will give responsible parties ample time to prepare for these requirements and will give the entire maritime community greater certainty as to what GMDSS covers and does not cover.

²⁴ See *NPRM*, 15 FCC Rcd at 5959 ¶ 31.

²⁵ See 47 C.F.R. § 80.1085(a)(4), (6).

²⁶ We emphasize that the existing exemption relieves the subject fishing vessels only of the requirements to carry VHF-DSC and MF-DSC equipment. It does not relieve the fishing vessels of any other applicable GMDSS requirements concerning, for example, reserve power, VHF handheld radios, MF/HF radiotelephone, INMARSAT-C equipment, and satellite or HF-DSC equipment.

²⁷ *Fishing Vessel Order*, 14 FCC Rcd at 528 n.2.

²⁸ Trident Seafoods Corporation (Trident) Comments at 1.

²⁹ See 46 U.S.C. § 45; 46 C.F.R. § 28.

³⁰ *NPRM*, 15 FCC Rcd at 5960 ¶ 34.

restricted operator's certificate for GMDSS operators on ships sailing exclusively within Sea Area A1, it proposed the introduction of a Restricted GMDSS Radio Operator's License (RGROL) for operators aboard compulsory vessels which are required only to carry the GMDSS equipment described for Sea Area A1.³¹ The Commission sought comment on the establishment of a restricted GMDSS license, and also on whether to allow ships sailing solely within Sea Area A2 to have operators qualify for a similar restricted GMDSS certificate for operation of Sea Area A2 equipment.³²

13. *Discussion.* Commenters were in favor of the establishment of the restricted license for operators sailing in Sea Area A1.³³ In contrast, commenters did not express a similar interest in a restricted license for operators sailing solely in Sea Area A2. We agree that it is unnecessary to require GMDSS operators who sail exclusively within Sea Area A1 to be familiar with the use of equipment which is not fitted and will not be used, such as HF and satellite communications, which are part of the requirements for Sea Areas A3 and A4. The restricted license will allow operators to qualify for a license commensurate to the equipment aboard the particular ship or commensurate to their radio duties aboard the vessel. Further, the provision of both USCG-approved and voluntary GMDSS courses for operators on compulsory vessels on restricted voyages and pleasure craft operators will be more affordable and easier to schedule. Thus, we will establish a restricted GMDSS license for operators sailing exclusively within Sea Area A1.³⁴ At this time, however, in light of the lack of interest expressed by the commenters, we will not establish a similar restricted license for operators on ships that sail exclusively within Sea Area A2.

b. Credit for Proof of Passing U.S. Coast Guard Training

14. *Background.* To qualify for a GROL, an applicant must successfully complete a written examination administered by a Commercial Operator License Examination (COLE) Manager. Beginning February 1, 2002, all masters and mates must hold the FCC GROL and must also qualify for a USCG GMDSS endorsement. The USCG's seventy-hour training courses for GMDSS endorsement are based on the same material and similar questions as the FCC GROL examination. Therefore, upon suggestion from the Task Force, the Commission proposed to authorize the USCG or its designee to issue a Proof of Passing Certificate (PPC)³⁵ to operators and maintainers of radio equipment who possess a certificate of competency from a USCG approved training course.³⁶ This PPC would qualify an applicant to obtain an FCC GROL.

³¹ *Id.* at 5961 ¶ 36.

³² *Id.* The Commission also proposed to amend 47 C.F.R. § 80.1073(a)(1) to permit the GMDSS radio operator to be a qualified restricted radio operator on vessels that operate in Sea Area A1 exclusively, and 47 C.F.R. § 80.1073(a)(2) to permit a restricted GMDSS radio operator to serve as backup for distress and safety radiocommunications. *Id.* at 5989.

³³ Task Force Comments at 4; USCG Comments at 30.

³⁴ In addition, we will revise the amendment to Section 80.1073(a)(2) to clarify that it was not intended for vessels sailing outside Sea Areas A1 and A2 to be permitted to have the second GMDSS operator hold only a restricted rating. *See* SEA Comments at 4.

³⁵ The PPC is issued by a license examiner, and indicates that the holder has successfully completed a license examination. The holder forwards this certificate to the Commission with a license application. *NPRM*, 15 FCC Rcd at 5961 ¶ 37.

³⁶ *Id.* at 5962 ¶ 39.

15. *Discussion.* We agree with the Task Force that accepting a PPC from the USCG or its designee will relieve the burden that the duplication of examination puts on applicants and will avoid the unnecessary administration of examinations.³⁷ Therefore, we amend Section 13.201 of our Rules to provide that a PPC issued by the USCG or its designee representing a certificate of competency from a USCG approved training course will qualify an applicant for an FCC GROL or RGROL. However, inasmuch as the USCG does not certify maintainers,³⁸ we are unable to implement this rule for maintainer licenses at this time.

c. Other Matters

16. In the *Notice*, the Commission proposed to revise Section 80.165 to require a restricted operator's license for operators of a terrestrial DSC ship telephone.³⁹ SEA Inc. of Delaware (SEA) states that as written, this proposed rule would re-impose licensing on VHF operators,⁴⁰ since all new VHF radios will have DSC.⁴¹ SEA does not believe that this result was intended. It suggests that the Commission's intention was to require this license for operators on compulsory ships only.⁴² The USCG and Recreational Boating Association of Washington (RBAW) concur, with RBAW stating that the restricted operator's license was intended for compulsory ships operating in Sea Area A1.⁴³ We agree with the commenters that the Commission did not intend to re-impose a license requirement on all VHF operators. Therefore, we will amend Section 80.165 to require a restricted operator's license to operate a DSC ship telephone only for compulsory ships.

17. Section 13.13 of our Rules provides the application requirements for renewed and modified licenses. Former Section 13.13(d) permitted a ninety day temporary conditional operating authority for those holding a PPC whose license request has not been acted upon by the FCC,⁴⁴ but this provision was deleted inadvertently in the Commission's Universal Licensing System proceeding.⁴⁵ We now adopt the Commission's proposal in the *Notice* to restore this provision to the rule.⁴⁶ We caution

³⁷ See Task Force Comments at 5.

³⁸ See USCG Comments at 12.

³⁹ *NPRM*, 15 FCC Rcd at 5974.

⁴⁰ See Amendment of Parts 80 and 87 of the Commission's Rules to Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses, *Report and Order*, WT Docket No. 96-82, 11 FCC Rcd 14849 (1996) (eliminating station licensing requirement for most VHF ship radio stations); Requirements for Restricted Radiotelephone Operator Permits, *Report and Order*, PR Docket No. 84-760, FCC 85-42 (1985) (eliminating the requirement for the Restricted Radiotelephone Operator Permit in the aviation and maritime services except when it is required by statute or treaty).

⁴¹ SEA Comments at 4.

⁴² *Id.*

⁴³ USCG Comments Appendix at 65; Recreational Boating Association of Washington (RBAW) Comments at 1.

⁴⁴ See 47 C.F.R. § 13.13(d) (1998).

⁴⁵ See 63 Fed. Reg. 68904, 68942-43 (1998); see also 47 C.F.R. § 13.13 editorial note.

⁴⁶ *NPRM*, 15 FCC Rcd at 5968-69.

licensees, however, that this ninety day temporary conditional authority does not relieve the licensee of the obligation to comply with the certification requirements of the Standards of Training, Certification and Watchkeeping (STCW) Convention.⁴⁷

3. Global Maritime Distress and Safety System

a. Distress Call Monitoring and Acknowledgment

18. *Background.* IMO and ITU recommendations and standards have been modified extensively since the Commission's GMDSS rules were adopted in 1992. These modifications clarify existing requirements and procedures and address new requirements. The Commission proposed in the *Notice* to implement these changes.⁴⁸ For example, Section 80.1111(d) of our Rules provides that a station receiving a DSC distress alert must cease any transmission that might interfere with distress traffic, and continue watch until the call has been acknowledged.⁴⁹ Because the ITU changed this procedure to require that a ship receiving a DSC distress call first monitor the associated distress voice traffic channel (*e.g.*, VHF Channel 16 or HF 2182 kHz) for five minutes and monitor the DSC distress and safety channel (*e.g.*, VHF Channel 70 or MF 2187.5 kHz) so that the ship can hear the transmission of any DSC acknowledgements, the Commission proposed modifying Section 80.1111(d) accordingly.⁵⁰

19. *Discussion.* The Task Force concurs with incorporation of the latest IMO guidance.⁵¹ However, Globe is opposed to the proposed monitoring requirement except for distress calls received on VHF or 2 MHz channels, and asserts that such a limitation would better ensure that distress calls from nearby vessels are received.⁵² Globe believes, as a practical matter, that the large number of irrelevant calls motivates ship crews to disable their systems. Thus, it asserts that the interests of maritime safety are better served if ships hear and respond to distress calls in the vicinity than if they are expected to monitor calls from a wider area but in fact monitor none.

20. We agree with the USCG that our proposal should not be limited to distress calls received on VHF or 2 MHz channels. As the USCG points out, it cannot be anticipated that a ship in distress will always be within VHF or MF radio communications range of another vessel.⁵³ A prime intent of GMDSS is to alert shore authorities of an incident, which is best accomplished by disseminating the alert far and wide, providing the possibility of proper relay to a shore authority while relying on the proper training

⁴⁷ The STCW Convention sets qualification standards for masters, officers, and watch personnel on seagoing merchant ships. The STCW requirements are independent of those of the Commission.

⁴⁸ *NPRM*, 15 FCC Rcd at 5950 ¶ 16. As pointed out by the USCG, the GMDSS Task Force and SEA, some international standards were updated after the *Notice* was released, so the standards the Commission proposed to adopt are no longer current. See USCG Comments at 12-17; Task Force Comments at 6; SEA Comments at 4. Accordingly, we will refer to the most recent standards when we revise the rules. See Appendix B, *infra*.

⁴⁹ 47 C.F.R. § 80.1111(d).

⁵⁰ *NPRM*, 15 FCC Rcd at 5950 ¶ 16. Likewise, the Commission proposed analogous modifications to 47 C.F.R. §§ 80.1113(d) and 80.1117(a).

⁵¹ Task Force Comments at 2.

⁵² Globe Wireless (Globe) Comments at 3.

⁵³ USCG Reply Comments at 2.

and performance of receiving ships' personnel. A wider range watch will increase the chances of the proper referral of distress calls to authorities. Furthermore, it is in the interests of maritime safety if all ships actually hear and respond to distress calls. Such a change will clarify procedures to be applied by ships in accordance with recent IMO policy changes and promote international consistency. Globe's concern that ship crews may be tempted to disable their systems, resulting in less monitoring, is not compelling as any such actions by a ship's crew would be a violation of the Radio Regulations and our Rules. Thus, in accordance with updated ITU procedures, we will require a ship receiving a DSC distress call to monitor the associated distress voice channel for five minutes, and monitor the DSC channel until the call has been acknowledged.

b. GMDSS Exemption for All Ships Sailing Continuously Within VHF Radiotelephone Coverage

21. *Background.* In the *Notice*, the Commission proposed to amend Section 80.1071 of our Rules to add a general exemption from certain GMDSS requirements for all ships that sail continuously within VHF radiotelephone coverage (approximately 20 miles from shore).⁵⁴ As with the exemption with regard to fishing vessels, this proposal was the result of the lack of shore based VHF and MF DSC equipment needed to support the establishment of Sea Areas A1 and A2, and the concern that fitting DSC equipment in the absence of the shore based equipment would impose an unnecessary financial burden on such vessels. The Commission proposed that this exemption expire one year after the USCG establishes Sea Area A1.

22. *Discussion.* The Task Force was in favor of our proposal, and recommended that this exemption be conditioned upon a continuous Channel 16 watch by the vessel.⁵⁵ However, upon reconsideration of our proposal, we agree with the USCG that we should not grant a general exemption from our GMDSS rules beyond that which the Commission has already granted.⁵⁶ First, such an exemption is untimely inasmuch as all compulsory vessels, with the exception of vessels operating pursuant to the fishing vessel or other individual ship exemption, have been required to comply with our GMDSS rules since 1999. Thus, the only vessels that could benefit from such an exemption are either already operating pursuant to a waiver or are operating in violation of our Rules. Further, as the USCG points out, in addition to being a ship-to-shore system, DSC is a ship-to-ship system. Under these circumstances, there is no need to delay the benefits of the ship-to-ship communications feature of DSC. Therefore, we decline to amend Section 80.1071 to add a general exemption from GMDSS requirements for ships sailing continuously within VHF radiotelephone coverage.

c. Alternative Satellite Fittings

23. *Background.* Section 80.1091 contains the additional equipment requirements for ships that remain within Sea Areas A1, A2 or A3 at all times.⁵⁷ In the *Notice*, the Commission proposed to add a note thereto permitting alternative satellite system fittings for vessels sailing only in domestic waters.⁵⁸

⁵⁴ *NPRM*, 15 FCC Rcd at 5951 ¶ 17.

⁵⁵ Task Force Comments at 2.

⁵⁶ USCG Comments at 3.

⁵⁷ 47 C.F.R. § 80.1091. That is, Section 80.1091 sets forth the equipment that must be fitted by ships remaining within Sea Areas A1, A2, or A3, in addition to the equipment required for all GMDSS vessels.

24. *Discussion.* The Task Force notes that the proposed change would allow non-GMDSS satellite systems to be used as an alternative for U.S. GMDSS domestic vessels, and opines that such waivers should instead be considered on a case-by-case basis.⁵⁹ We disagree with the Task Force that permitting the use of alternative satellite systems would result in the use of non-GMDSS class equipment, given that the proposal included a provision that the satellite system must comply with all features of the INMARSAT system for its intended function. Furthermore, the proposed change would be especially beneficial to the marine community as it would permit domestic compulsory ships to choose additional systems as an alternative to INMARSAT, thereby promoting competition. This could result in substantial savings to the affected ships. As this proposal will have a positive effect on the marine community, we will permit the use of these alternative satellite systems for vessels sailing in domestic waters.

4. Safety Watch Requirements and Procedures

a. Watch Requirements on Channel 16

25. *Background.* Section 80.1123 requires compulsory ships at sea to maintain a continuous watch on VHF Channel 16 (156.800 MHz) until February 1, 1999.⁶⁰ As that date has passed, and the SOLAS Convention extended this requirement until February 1, 2005, the Commission proposed updating its rules to retain the watch requirement until the new SOLAS date.⁶¹ It also proposed moving Section 80.1123(c) and (d) to Subpart G of Part 80, which contains the rules on “Safety Watch Requirements and Procedures.”⁶²

26. *Discussion.* Inasmuch as it is consistent with the IMO’s transition plan to switch calling from voice on Channel 16 to using DSC on Channel 70, extending the Channel 16 watch requirement until 2005 will accomplish our objective of incorporating international requirements into our Rules. Furthermore, extending the Channel 16 watch will provide enormous safety benefits. Since the USCG has not established coast stations for Sea Area A1, many vessels operating within that Sea Area are not equipped with GMDSS equipment, and are still operating with VHF radios using the Channel 16 watch. Thus, extension of the Channel 16 watch date will result in GMDSS vessels maintaining the ability to intercept safety and distress calls from vessels operating under the older system, while allowing voluntary ships sufficient time to fit DSC radios.

27. The Task Force agrees that the date should be extended, but argues that because the USCG’s shore network upgrade to VHF-DSC may not be completed by February 1, 2005, we should extend the watch date until one year after the USCG declares Sea Area A1 operational, or until February

(Continued from previous page)

⁵⁸ *NPRM*, 15 FCC Rcd at 5991.

⁵⁹ Task Force Comments at 10.

⁶⁰ 47 C.F.R. § 80.1123(c). Likewise, Section 80.148 requires compulsory vessels to maintain a watch on Channel 16 whenever the vessel is underway and the station is not being used for exchanging communications. 47 C.F.R. § 80.148.

⁶¹ *NPRM*, 15 FCC Rcd at 5954 ¶ 24.

⁶² *Id.* at 5951 ¶ 17. In the Appendix to the *NPRM*, however, the proposed rules do not reflect any amendment that would move the requirements now set forth in Section 80.1123(c) and (d) to Subpart G. Rather, the extension of the Channel 16 watch requirement is reflected in Section 80.1123(c) (as well as Section 80.148) in the Appendix, and no change is made to Section 80.1123(d) in the Appendix.

1, 2005, whichever is later.⁶³ We disagree. As previously noted, GMDSS is a ship-to-ship system as well as a ship-to-shore system. We believe that it would be premature to presume that the IMO will extend the watch date beyond February 1, 2005. Therefore, extending the date beyond February 1, 2005 in our Part 80 rules would be inconsistent with international standards. Accordingly, we will follow the original proposal and extend the watch requirement until February 1, 2005.⁶⁴ In light of the Task Force's comments indicating that we should reflect an extension of the Channel 16 watch requirement both in Section 80.305(a)(3) and in Section 80.1123,⁶⁵ we will make the appropriate revisions to both of these rules. Thus, the Channel 16 watch requirement will appear in Subparts C (in Section 80.148), G and W.

b. Watch Requirements on 2182 kHz

28. *Background.* Sections 80.305(a)(2), (b)(1), and 80.1123(d) of our Rules govern watch requirements on 2182 kHz.⁶⁶ The ITU, however, recommends that vessels voluntarily maintain such a watch when a significant number of non-compulsory vessels are in the vicinity.⁶⁷ In the *Notice*, the Commission sought comment as to the practicality of a voluntary watch, what is considered a significant number of vessels, and whether a voluntary watch on 2182 kHz would provide meaningful benefits to compulsory and voluntary ships at sea.⁶⁸

29. *Discussion.* SEA asserts that a voluntary watch on 2182 kHz is premature as many ships are not fitted with DSC and not all shore-based GMDSS facilities are in place.⁶⁹ Likewise, the Task Force does not consider voluntary watches an acceptable solution if there is a perceived need for such a watch. It asserts that if the administration feels there is a need for such a watch, it should be mandatory for all compulsory and voluntary vessels.⁷⁰ The Task Force further believes that once Sea Area A2 is established, and vessels have upgraded to MF-DSC, compulsory watches on 2182 kHz will be unnecessary. Therefore, it recommends that compulsory ship watches on 2182 kHz be required until the vessel upgrades to MF-DSC or until one year after the USCG declares Sea Area A2 operational. Globe is

⁶³ Task Force Comments at 6, 11.

⁶⁴ We will revisit this issue if the IMO extends the watch date.

⁶⁵ Task Force Comments at 6, 7, 11.

⁶⁶ 47 C.F.R. §§ 80.305(a)(2), (b)(1), 80.1123(d). In the *NPRM*, the Commission stated incorrectly that these rules provide that every compulsory ship at sea must maintain a continuous watch on 2182 kHz. *NPRM*, 15 FCC Rcd at 5954 ¶ 24. Section 80.305(a) applies only to ships which are equipped with a radiotelegraph station for compliance with Part II of Title III of the Communications Act or Chapter IV of the Safety Convention, while Section 80.305(b) applies only to cargo ships which are equipped with a radiotelephone station for compliance with Part II of Title III of the Communications Act or Chapter IV of the Safety Convention while being navigated outside of a harbor or port. In addition, current Section 80.1123(d) provides that the requirement that vessels maintain a continuous watch on 2182 kHz extends only until February 1, 1999. We find that this misstatement in the *NPRM* does not alter our conclusion, as set forth in the text, that a mandatory 2182 kHz watch requirement will better serve the public interest in marine safety than a voluntary watch.

⁶⁷ S31.17 and APS 13 § 21(3) of the ITU Radio Regulations.

⁶⁸ *NPRM*, 15 FCC Rcd at 5954 ¶ 24.

⁶⁹ SEA Comments at 2.

⁷⁰ Task Force Comments at 7.

opposed to the idea of a voluntary 2182 kHz watch because it doubts that such a watch would be routinely maintained in practice, and to provide for it in the rules could create a false sense of security.⁷¹ The USCG does not consider a watch on 2182 kHz of much practical benefit as it has observed a continuing decline in its use.⁷²

30. We agree with SEA and the Task Force that a voluntary watch is not an acceptable solution. The 2182 kHz watch remains an important component of maritime safety, and specifying in our Rules that such a watch is voluntary will provide a level of safety far below that which will be secured by a mandatory watch requirement. Inasmuch as 2182 kHz is still used by non-compulsory ships, and by small passenger and fishing vessels currently operating under exemptions from our GMDSS rules, we are concerned that according compulsory vessels the discretion to forego such a watch would result in the inability of non-compulsory and exempt vessels to contact compulsory vessels in distress situations. Such a result would be inconsistent with our goal of enhancing the collective safety of the marine community. Further, we agree with Globe that a voluntary watch is unlikely to be routinely maintained in practice, and to provide for it in the Rules could therefore generate a false sense of security. Accordingly, we will amend Section 80.1123(d) to provide for a mandatory 2182 kHz watch, without specifying a sunset date for the requirement at this time.⁷³

c. Watch Requirements for Voluntary Vessels

31. *Background.* Section 80.310 sets forth the watch requirements for voluntary vessels.⁷⁴ In the *Notice*, the Commission proposed to revise this section to require voluntary vessels not fitted with DSC to maintain a watch on Channel 16 when the vessel is underway and the radio is not being used to communicate.⁷⁵ The Commission further proposed to require voluntary vessels equipped with DSC to maintain a watch on Channel 70 when the vessel is underway.⁷⁶ Finally, the Commission proposed to require vessels voluntarily fitting additional radio equipment to have such equipment turned on and set to the appropriate watch frequency whenever the vessel is underway and the equipment is not being used to communicate.⁷⁷

32. *Discussion.* Regarding Channel 16, we believe that the safety advantages of imposing the Channel 16 watch outweigh any possible disadvantages.⁷⁸ Therefore, we will adopt the proposal. The

⁷¹ Globe Comments at 4.

⁷² USCG Comments at 7.

⁷³ We reserve discretion to revisit this issue after the USCG declares Sea Area A2 operational.

⁷⁴ 47 C.F.R. § 80.310.

⁷⁵ *NPRM*, 15 FCC Rcd at 5977. Currently, such vessels are required to maintain the watch only when the radio is operating. 47 C.F.R. § 80.310.

⁷⁶ *NPRM*, 15 FCC Rcd at 5954 ¶ 24.

⁷⁷ *Id.* at 5977.

⁷⁸ We note that a “watch” is defined simply as the “act of listening on a designated frequency.” 47 C.F.R. § 80.5. We believe the costs of maintaining a watch on Channel 16, if any, are not significant. Maintaining a watch does not require that a crew member be designated to monitor the frequency to the exclusion of all other duties. Rather, a watch at sea can be maintained even as the responsible crew member performs other duties unrelated to the watch, provided he or she remains close enough to hear emergency calls. When a vessel is “underway,” within (continued....)

USCG proposes that language regarding alternative watch keeping on Channel 9 be eliminated from this Section once the watchkeeping requirement on Channel 16 is eliminated.⁷⁹ We will not take any action on this suggestion at this time as the Channel 16 watch requirement remains intact. Regarding Channel 70, we agree with commenters that a mandatory watch on Channel 70 for voluntary vessels equipped with DSC will promote safety and effective communications between compulsory and voluntary ships.⁸⁰ It will also promote international comity inasmuch as this proposal is in alignment with ITU regulation S31.17. Furthermore, it will make a major contribution to the collective marine safety. Nonetheless, we want to ensure that our actions do not impinge upon mariners' normal use of their radios. Therefore, we will adopt the proposal with the clarification that any radio equipment installed voluntarily must be powered up and set to the appropriate watch frequency except when being used to communicate.

33. Finally, the Task Force notes that the proposed last sentence of the proposed rule is unclear. The Task Force states that if it applies to vessels voluntarily fitting radio systems capable of sending automatic distress alerts, it should be rephrased.⁸¹ We will revise the language accordingly.

d. Safety Watch By Vessels Voluntarily Fitted on the MF/HF DSC Channels and INMARSAT A, B, and C Systems

34. *Background.* As previously mentioned herein, numerous ITU regulations have been modified and updated since we last updated our Rules. In the *Notice*, the Commission sought comment on which specific ITU regulations should be implemented.

35. *Discussion.* The Task Force recommends that we adopt the ITU regulation requiring a safety watch by all vessels voluntarily fitted with MF/HF-DSC and INMARSAT A, B, and C systems.⁸² It notes that the INMARSAT watch is not to receive alerts from other ships but to enable contact by shore rescue authorities to resolve false alerts or arrange assistance for another vessel in distress.⁸³ The Task Force also recommends that we adopt Radio Regulation S32.5B, which specifies that any GMDSS shipboard equipment which is capable of transmitting position coordinates as part of a distress alert message and which does not have an integral electronic position-fixing system receiver must be interconnected to a separate navigation receiver, if one is installed, to provide that information automatically.⁸⁴ The Task Force considers this a necessary requirement for both compulsory and voluntary vessels because of the large number of alerts received without positions or with erroneous positions.

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the meaning of § 80.5, the individual piloting the vessel can simultaneously discharge the requirements of the watch.

⁷⁹ USCG Comments at 7.

⁸⁰ See Globe Comments at 4; Task Force Comments at 3, 7-8; USCG Comments at 7; RBAW Reply Comments at 1.

⁸¹ Task Force Comments at 7-8.

⁸² *Id.* at 3.

⁸³ *Id.*

⁸⁴ *Id.*

36. We agree with the Task Force that we should require a safety watch by all vessels voluntarily fitted with INMARSAT A, B, and C systems. We believe the adoption of this proposal will enhance ship safety as it will result in more ships conducting safety watches. Additionally, it will promote international consistency. We also agree that we should conform our Rules to Radio Regulation S32.5B. This will increase the likelihood that distress messages will be received with accurate position information and will cut down on the number of alerts received without position information. However, we will limit that requirement to compulsory vessels. We believe this requirement would be difficult to apply or enforce with respect to voluntary ships, as these ships are not licensed or inspected.

5. General Technical Standards (Subpart E)

37. *Background.* Subpart E of our Rules provides the general technical requirements for the use of maritime frequencies and equipment. In response to a suggestion by the Task Force, the Commission sought comment on whether any specific standards in Subpart E required modification, and whether IEC Test Standards should be incorporated by reference into our Rules.⁸⁵ It also sought comment on how to simplify the means for keeping these general technical standards updated in our Rules as new versions are promulgated by the standards organizations.⁸⁶

38. *Discussion.* The USCG agrees that IEC standards should be incorporated into our Rules, and provides a list of the specific standards it recommends.⁸⁷ We conclude that adopting the IEC standards recommended by the USCG would promote international consistency and provide internationally recognized criteria and test procedures for certification of GMDSS equipment.⁸⁸ However, we also agree with SEA that we should implement some grandfathering provisions into our Rules.⁸⁹ Ship owners and manufacturers have made large investments installing and designing equipment compliant with current requirements. A sudden change in rule from current standards might impose a financial burden on such ship owners. Therefore, while we will no longer allow certification of equipment not meeting the revised standards after the new rules take effect, we will continue to permit the use of such equipment. In addition, to allow manufacturers adequate time to make any necessary changes to their equipment production lines and to deplete inventory,⁹⁰ we will permit the installation of

⁸⁵ *NPRM*, 15 FCC Rcd at 5955 ¶ 22. *See also* ¶ 4, *supra*. Founded in 1906, the IEC is a global organization that prepares and publishes international standards for all electrical, electronic and related technologies. Its membership consists of more than 60 participating countries, including all of the world's major trading nations and a growing number of industrializing countries. The IEC works closely with SOLAS organizations in developing standards for GMDSS equipment. *See, e.g.*, ITU-R Resolution 41, "Collaboration with the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC)" 1997. The IEC standards pertaining to GMDSS generally are encompassed by IEC Publication number 61097, and were adopted between 1992 and 1999.

⁸⁶ *NPRM*, 15 FCC Rcd at 5955 ¶ 22.

⁸⁷ USCG Comments at 5-6.

⁸⁸ IEC standards will be imposed only on GMDSS equipment, because the IEC has not developed test standards for non-GMDSS equipment in most cases.

⁸⁹ SEA Comments at 2.

⁹⁰ *See, e.g.*, Amendment of the Commission's Rules Regarding the 37.0-38.6 GHz and 38.6-40.0 GHz Bands, *Notice of Proposed Rulemaking and Order*, ET Docket No. 95-183, 11 FCC Rcd 4930, 4987 ¶ 119 (1995).

equipment meeting the old standards until February 1, 2003. After that time, only equipment meeting the new standards may be installed.

39. The USCG further recommends that the Commission amend its delegated authority rule, Section 0.331,⁹¹ to allow Part 80 to reflect the most current edition of standards.⁹² Section 0.331(d) already delegates authority to the Chief, Wireless Telecommunications Bureau, to adopt “orders conforming any of the applicable rules to formally adopted international conventions or agreements where novel questions of fact, law, or policy are not involved.”⁹³ We do not think further expansion of the Wireless Telecommunications Bureau’s delegated authority in this area is necessary or warranted. We have decided, moreover, to generally keep the rules up-to-date by Notices of Proposed Rule Making as part of the biennial review process.⁹⁴ These standards will not be controversial, so this method should work quickly.⁹⁵

6. Compulsory Radiotelegraph Installations for Vessels 1600 Gross Tons (Subpart Q) & Compulsory Radiotelephone Installations for Vessels 300 Gross Tons (Subpart R)

40. *Background.* Subpart Q of Part 80 lists the requirements for compulsory radiotelegraph installations for vessels of 1600 tons.⁹⁶ Because Section 365 of the Communications Act⁹⁷ prohibits requiring a ship to install a radiotelegraphy station if it is operating in accordance with the GMDSS, and because all compulsory vessels must demonstrate compliance with the GMDSS, the Commission proposed, in the *Notice*, to eliminate the entire subpart except for Section 80.825, which provides the requirements and specifications for radar installations, and Section 80.807, regarding radiotelephone installations.⁹⁸ It also sought comment on whether any other portions of Subpart Q should be retained.⁹⁹

⁹¹ 47 C.F.R. § 0.331.

⁹² USCG Comments at 6.

⁹³ 47 C.F.R. § 0.331(d).

⁹⁴ See In the Matter of the 2000 Biennial Regulatory Review, CC Docket No. 00-175, *Report*, 16 FCC Rcd 1207 (2001). Although a biennial regulatory review of the Part 80 Rules is not statutorily required, the Commission has determined that it will conduct biennial regulatory reviews that go beyond the minimal statutory requirements of examining rules pertaining to telecommunications service providers or broadcast ownership that are no longer necessary as a result of meaningful economic competition. *Id.* at 1209 ¶ 6.

⁹⁵ In addition, we will consider, on a case-by-case waiver basis, requests by manufacturers for certification of equipment that meets an international standard adopted subsequent to the one incorporated by reference in the Part 80 rules.

⁹⁶ 47 C.F.R. §§ 80.801-80.836

⁹⁷ 47 U.S.C. § 363.

⁹⁸ *NPRM*, 15 FCC Rcd at 5953 ¶ 20, 5985.

⁹⁹ *Id.* at 5953 ¶ 20.

Finally, the Commission sought comment on the Task Force's proposal that we convert the requirements for radiotelegraphy set forth in Subpart Q to voluntary compliance.¹⁰⁰

41. Subpart R of our Rules provides the radiotelephone requirements for cargo ships of 300 to 1600 gross tons.¹⁰¹ As of February 1, 1999, these vessels were required to comply with the GMDSS requirements in Subpart W. Thus, the Commission tentatively concluded that the rules in Subpart R were redundant with the GMDSS rules in Subpart W, and proposed elimination of Subpart R with the exception of Section 80.879, which requires certain vessels to comply with the radar installation requirements in Section 80.825.¹⁰² The Commission noted that the *Fishing Vessel Order* specifically stated that the GMDSS waiver granted to fishing vessels did not relieve the vessels from compliance with the radiotelephone requirements of Subpart R,¹⁰³ and sought comment regarding the continued need to specify radiotelephone requirements in Subpart R, or whether it should be deleted in its entirety.¹⁰⁴

42. *Discussion.* Commenters were generally in agreement with the proposal to substantially eliminate Subparts Q and R. We will retain the substance of the rules addressing radar and radiotelephone installations, but, as suggested by the Task Force,¹⁰⁵ we will move them to other subparts.¹⁰⁶ We also will update these provisions to reflect new IMO and IEC standards, as recommended by the Task Force and the Radio Technical Commission for the Maritime Services (RTCM).¹⁰⁷ This will make our ship radar rules fully compatible with internationally agreed performance and certification testing standards required to meet international shipboard carriage requirements. In addition, we agree with the USCG¹⁰⁸ that because the radio direction finding apparatus described in Sections 80.818 through 80.823 is still required by the Communications Act,¹⁰⁹ with no provision for a waiver, these provisions cannot be eliminated unless Congress amends the Communications Act. We further note that as vessels operating pursuant to the fishing vessel exemption are not currently in compliance with GMDSS, they must be in compliance with certain other portions of Subparts Q and R. Therefore, we will create a rule for vessels operating pursuant to that exemption and incorporate the necessary standards into that section. The remainder of the rules in Subparts Q and R shall be eliminated.

¹⁰⁰ *Id.*

¹⁰¹ 47 C.F.R. §§ 80.851-80.879

¹⁰² *NPRM* at ¶ 28.

¹⁰³ *Fishing Vessel Order*, 14 FCC Rcd at 534 ¶ 11.

¹⁰⁴ *NPRM*, 15 FCC Rcd at 5956 ¶ 28.

¹⁰⁵ Task Force Comments at 9.

¹⁰⁶ Specifically, Sections 80.807, 80.818-80.823, 80.825 and 80.879 will be consolidated into Subpart F. The remaining rules in Subpart Q will be deleted and Subpart Q will be designated as reserved. Subpart R will be retitled to reflect that it now covers technical and operational requirements for cargo vessels exempted from GMDSS requirements. In addition, Section 80.851, which describes the applicability of the Subpart R requirements, has been amended accordingly, and new Sections 80.880 and 80.881 have been added to Subpart R.

¹⁰⁷ Task Force Comments at 2; Radio Technical Commission for the Maritime Services (RTCM) Comments at 2.

¹⁰⁸ USCG Comments at 4.

¹⁰⁹ 47 U.S.C. § 351(a)(2).

7. Frequencies

43. *Background.* Sections 80.351 through 80.363 of our Rules describe the carrier frequencies and general uses of radiotelegraphy.¹¹⁰ In the *Notice*, the Commission proposed to adopt Globe's proposal to, in accordance with revised ITU regulations, allow radio-teletypewriter, data, telemetry, and telecommand transmissions on 744 frequencies in the HF band that Section 80.357(a)(3) of our Rules¹¹¹ restricts to Morse Code transmissions.¹¹² Pursuant to a recommendation from the Task Force, the Commission also sought comment on the deletion of 500 and 8364 kHz as distress and safety frequencies, and on eliminating Morse Code radiotelegraph frequencies.¹¹³ Finally, the Commission sought comment on whether the frequency tables in Subpart H should be updated in accordance with revised ITU Regulations, and which specific ITU regulations should be incorporated.¹¹⁴

44. *Discussion.* We agree with commenters that J2B and J2D emissions¹¹⁵ represent a substantial efficiency advantage over Morse code. Thus, this amendment will promote the use of higher speed communication in scarce HF spectrum. Further, it will promote international comity as it will bring our Rules in alignment with revised ITU regulations. Moreover, it will increase the operational flexibility of MF and HF service providers and facilitate their ability to offer additional services. Additionally, better use of the spectrum is in the public interest. Therefore, we will modify Section 80.357(a)(3) to allow radio-teletypewriter, data, telemetry and telecommand transmissions on frequencies currently reserved for Morse Code. Specifically, we will allow J2B and J2D emission wherever A1A or F1B emission is permitted, on high seas frequencies. We emphasize that use of J2B and J2D emissions must be on a non-interference basis and must otherwise be in accord with ITU Radio Regulation S52.54.1.¹¹⁶

45. We agree with the Task Force and other commenters that 500 kHz and 8364 kHz should be deleted as distress and safety frequencies, as these frequencies are not currently in use.¹¹⁷ Therefore, we will delete the references thereto throughout our Rules, including the references in Sections 80.101(c), 80.143, 80.146, 80.207, 80.223, and 80.302.¹¹⁸ We will not, however, delete the Morse radiotelegraph frequencies, because despite the USCG's assertion that there are no commercial or government operated

¹¹⁰ 47 C.F.R. §§ 80.351-80.363.

¹¹¹ 47 C.F.R. § 80.357(a)(3).

¹¹² *NPRM*, 15 FCC Rcd at 5956 ¶ 26.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ Emissions are classified and symbolized by alphanumeric characters denoting (a) the type of modulation, (b) the nature of the signal modulating the main carrier, and (c) the type of information to be transmitted. See 47 C.F.R. § 2.201. Thus, a "J2B" emission is telegraphy for automatic transmission and "J2D" is data transmission, telemetry, and telecommand. *Id.*

¹¹⁶ Note 1 to ITU Radio Regulation S52.54.1 specifies that "... use of class J2B and J2D emissions are permitted on a non-interference basis to A1A Morse operations. However, these emissions shall not be used on the HF safety and distress frequencies listed in Appendix S15."

¹¹⁷ Task Force Comments at 3; USCG Comments at 31-32.

¹¹⁸ 47 C.F.R. §§ 80.101(c), 80.143, 80.146, 80.207, 80.223, 80.302.

coast radio stations providing any Morse radiotelegraphy services in the U.S., we find that though the Morse radiotelegraph frequencies are rarely used, if at all, there is no concrete evidence that they are completely unused or that there is absolutely no interest in the use of these frequencies for Morse telegraphy. In these circumstances, we will take a conservative approach and retain these frequencies with the recognition that this provision may be ripe for review and elimination in conjunction with the next biennial regulatory review.¹¹⁹

8. Emergency Position Indicating Radiobeacons (EPIRBs)

46. *Background.* Sections 80.1053, 80.1055, 80.1057 and 80.1059 set forth the requirements for Classes A, B, C and S EPIRBs, respectively, all of which operate on 121.5/243 MHz.¹²⁰ The Commission noted in the *Notice* that COSPAS/SARSAT, the international program that operates the satellite processors for EPIRBs, has announced that because of the deficiencies in 121.5/243 MHz EPIRBs, it will stop equipping new satellites with 121.5/243 MHz processors, and plans to establish a date after which any remaining active processors will be turned off.¹²¹ The Commission further stated its concern that the use of these EPIRBs had led to thousands of false alerts over the years, that lifesaving efforts on such EPIRB signals are often ineffective because there is no available registration information to aid detection, and the average alerting time on such EPIRBs is expected to reach the unacceptable level of ninety minutes.¹²² Thus, the Commission proposed to remove certification for Classes A, B, C and S EPIRBs, and to remove rules pertaining to the obsolete Class C EPIRB. More specifically, the Commission proposed that (1) certification of new Class A, B, and S EPIRBs cease immediately; (2) the sale and manufacture of these units cease as of February 1, 2003; and (3) operation of these devices cease as of December 31, 2006.

47. *Discussion.* We agree with commenters and will delete all references in our Rules to Class C EPIRBs, which are no longer authorized,¹²³ including references identified by commenters but not set out in the Commission's proposed rule changes. Likewise, for the reasons specified in the *Notice*, we will follow the proposal to gradually phase out the use of Class A, B and S EPIRBs.¹²⁴ We believe

¹¹⁹ Before the next Part 80 biennial review proceeding commences, or in conjunction with that proceeding, we may conduct an audit of these HF frequencies, analogous to the current audit of Private Land Mobile Radio (PLMR) stations licensed on frequencies below 512 MHz, to determine the extent to which the HF frequencies are used for Morse telegraphy. See Wireless Telecommunications Bureau Announces Commencement of an Audit of the Construction and Operational Status of Private Land Mobile Radio Stations, *Public Notice*, 16 FCC Rcd 14624 (WTB 2001).

¹²⁰ 47 C.F.R. §§ 80.1053, 80.1055, 80.1057, 80.1059.

¹²¹ *NPRM*, 15 FCC Rcd at 5957-58 ¶ 30.

¹²² *Id.* at 5957 ¶ 30.

¹²³ See USCG Comments at 25.

¹²⁴ The Commission has on occasion granted waivers of § 80.1053 of the Rules to permit devices to be certified as Class B EPIRBs although they do not meet all of the technical requirements for Class B EPIRBs. See, e.g., Briar Tek Incorporated, *Order*, DA 02-287 (WTB PSPWD rel. Feb. 7, 2002); David Marshall, *Letter*, 13 FCC Rcd 23688 (WTB 1998); Letter to Cal Havens, ACR Electronics, from D'wana R. Terry, Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, dated August 4, 2000. We clarify that our decision herein to phase out the use of Class B EPIRBs is not intended to preclude the continued manufacture and use beyond the specified phase-out dates of equipment that is certified in accordance with such waivers. The (continued....)

that our adoption of this proposal will result in improved rescue efforts and facilitate a complete transition to 406 MHz satellite EPIRBs. We agree, however, with the Task Force that it will be necessary to retain certain portions of our Rules for the duration of the use of these devices.¹²⁵

9. Station Logs

48. *Background.* Section 80.409(e) of our Rules provides the requirements for ship radiotelephone logs. Section 80.409(e)(1) requires that ships compulsorily equipped with radiotelephones maintain in their logs a summary of all distress, urgency and safety traffic.¹²⁶ In the *Notice*, the Commission proposed to amend this Section to require only a summary of distress communications heard and urgency communications affecting the station's own ship.¹²⁷ The Commission also proposed to amend Section 80.409(e)(5) to require a weekly entry in radiotelephone logs that (1) the proper functioning of DSC equipment has been verified by actual communications or a test call, (2) the batteries or other reserve power sources are functioning properly, (3) the portable survival craft radio gear and radar transponders have been tested, and (4) the EPIRBs have been inspected.¹²⁸

49. *Discussion.* Owen Anderson (Anderson) suggests that logging all intercepted distress communications puts an unreasonable burden on the Bridge Officer, who is also responsible for keeping the GMDSS log.¹²⁹ Thus, he suggests that we amend this section to either require that such ships maintain a summary of distress and urgency communications affecting the station's own ship, or a summary of distress communications from vessels themselves in distress plus distress and urgency communications affecting the station's own ship.¹³⁰ We do not believe that the proposed amendment to Section 80.409(e)(1) will impose a burden on the Bridge Officer that is unreasonable in light of the benefits to be derived from the log keeping requirement. We note in this regard that there is no requirement that the Bridge Officer make log entries of intercepted distress communications in a book that is separate from the GMDSS log. As we fail to see how our proposal will unreasonably burden the log keeper, we will implement the proposed amendment to this section.

50. Further, both the Task Force and the USCG recommend that the phrase "Officer of the Deck" in proposed Section 80.409(e)(7) be replaced with "Officer of the Navigational Watch" to be consistent with IMO phraseology.¹³¹ We agree with the USCG and the Task Force that we should align

(Continued from previous page) _____
continued use of such devices does not pose the safety problems that lead us to phase out Class B EPIRBs generally. We also note, however, that the RTCM is working on 121.5 MHz EPIRB standards that may eventually be incorporated into our Rules, and we further clarify that nothing herein is intended either to enlarge the relief granted in those earlier waiver decisions or to preclude modification or termination of the waivers at some later time if such action is justified by changed circumstances, such as the RTCM's adoption of standards for 121.5 MHz EPIRBs.

¹²⁵ See Task Force Comments at 4.

¹²⁶ 47 C.F.R. § 80.409(e)(1).

¹²⁷ *NPRM*, 15 FCC Rcd at 5983.

¹²⁸ *Id.* at 5982.

¹²⁹ Owen Anderson (Anderson) Comments at 2-3.

¹³⁰ *Id.* at 3.

¹³¹ Task Force Comments at 8-9; USCG Comments at 22.

our phraseology with the IMO, and will use the phrase “Officer of the Navigational Watch” as per their suggestion.

51. Section 80.1099(f)(2) requires that battery charge levels be checked at intervals not exceeding thirty days, and that portable equipment such as EPIRBs and SARTs be checked at the same intervals using methods recommended by the manufacturer. Anderson believes that the proposed amendment of Section 80.409(e)(5) conflicts with Section 80.1099(f)(2).¹³² We disagree. First, these rules are distinguishable in that Section 80.1099(f)(2) is applicable to checks of battery charge levels, while Section 80.409(e)(5) requires a weekly check of safety equipment. Furthermore, to the extent that these rules are similar, the time frames are not in conflict because the weekly check required by Section 409(e)(5) falls squarely within the “thirty days or less” requirement in Section 80.1099(f)(2). Because we believe that a weekly inspection of safety equipment is a reasonable period and that this requirement does not conflict with the requirement to check battery charge levels at an interval not exceeding thirty days, we will implement both proposals.

10. Small Passenger Vessels

a. VHF Radios at Each Steering Station

52. Subpart S of our Rules contains the requirements for compulsory radiotelephone installations for small passenger vessels. Section 80.905(d) requires a VHF radio at each steering station.¹³³ The Commission proposed to modify this section to permit the installation of a portable VHF-DSC radio to meet this requirement if it is permanently mounted and has a suitable power provision and antenna feed.¹³⁴ The Task Force does not concur in accepting a single portable VHF-DSC as equivalent to an installed VHF-DSC system because it feels such units, when available, usually operate at reduced power which may be insufficient for distress alerting.¹³⁵ We disagree. The only change that the Commission proposed to this provision was to add a reference to DSC. We have no evidence of any problem of the type described by the Task Force arising in connection with portable non-DSC VHF radios. Therefore, we conclude that reduced power will not compromise any distress alerting, and we will implement the proposed change.

b. Exemption from GMDSS Rules

53. *Background.* Section 80.933 contains the small passenger vessel exemptions from certain radiotelephone and GMDSS requirements.¹³⁶ The Commission proposed to revise subsection (c) to extend the exemption for exempt small passenger vessels of less than 100 gross tons from GMDSS requirements until six months after the USCG notifies the FCC that coverage in Sea Areas A1 and A2 is established.¹³⁷

¹³² Anderson Comments a 3.

¹³³ 47 C.F.R. § 80.905(d).

¹³⁴ *NPRM*, 15 FCC Rcd at 5985.

¹³⁵ Task Force Comments at 9.

¹³⁶ 47 C.F.R. § 80.933.

¹³⁷ *NPRM*, 15 FCC Rcd at 5987. The current rule allows the exemption until February 1, 1999. See 47 C.F.R. § 80.933(c).

54. *Discussion.* We agree with the Task Force's recommendation that the proposed exemption from certain GMDSS requirements for small passenger vessels should be extended to one year, rather than six months, after the USCG declares Sea Areas A1 and A2 operational, in order to be consistent with other exemptions.¹³⁸ In addition, SEA and the USCG argue that we should not wait until Area A1 is declared to end the exemption for vessels that operate in Sea Area A2.¹³⁹ Furthermore, the USCG urges us to restrict this exemption to domestic voyages.¹⁴⁰ We believe that SEA and the USCG's concern is misplaced here, because the vessels to which this exemption is applicable operate exclusively within Sea Area A1, even when sailing on international voyages.¹⁴¹ We acknowledge, however, that the confusion may have arisen from the inadvertent reference to Sea Area A2 in the proposal. The Commission did not mean to imply that the exemption was being granted to vessels operating in Sea Area A2. Thus, we will extend the small passenger vessel exemption from GMDSS requirements in Section 80.933(c). Further, we hereby clarify that this exemption will continue until one year after the USCG has established Area A1.

B. Suggested Additional Rule Changes

55. In the *Notice*, the Commission asked for comments on any other rule changes that could be made to update, streamline, or clarify Part 80 of the Commission's Rules. What follows is our discussion of additional rule changes suggested by certain commenters.¹⁴²

1. Subpart A-General Information

56. **§ 80.5.** Section 80.5 of our Rules contains the definitions of terms used throughout Part 80.¹⁴³ The Task Force and the USCG recommend that we make the following revisions to Section 80.5:¹⁴⁴

- *Distress Signal*: align with S32.9 of the ITU Radio Regulations, to include a person, and to remove all references to radiotelegraphy.
- *Distress Traffic*: align with S32.40 and should include a person.
- *Inland Waters*: amend to cite 33 C.F.R. § 80.01.
- *Maritime mobile service identities*: amend to include the abbreviation MMSI.
- *Navigable Waters*: adjust to reflect the current wording of 33 C.F.R. § 2.05.
- *Pilot*: update to reflect the current Title 46 U.S. Code requirements.
- *Safety Signal* and *Urgency Signal*: amend to remove mention of radiotelegraphy.

¹³⁸ Task Force Comments at 9.

¹³⁹ SEA Comments at 3; USCG Comments at 24.

¹⁴⁰ USCG Comments at 24.

¹⁴¹ See 47 C.F.R. § 80.933(c)(3).

¹⁴² Maritel, Inc. (Maritel) proposed numerous rule changes relating only to public coast stations. These proposals will be addressed in the Commission's public coast rulemaking proceeding. See Amendment of the Commission's Rules Concerning Maritime Communications, *Fourth Further Notice of Proposed Rule Making*, PR Docket No. 92-57, 17 FCC Red 227 (2001).

¹⁴³ 47 C.F.R. § 80.5.

¹⁴⁴ Task Force Comments at 6; USCG Comments at 19-20.

They also recommend adding the following definitions:

- *INMARSAT*: INMARSAT Ltd. is a private commercial company licensed in the United Kingdom.
- *IMSO*: The International Mobile Satellite Organization (IMSO) is a residual intergovernmental organization which was established to ensure that INMARSAT Ltd. complies with its public service obligations.
- *Universal shipborne automatic identification system (AIS)*: A system in the maritime mobile service by which vessels and designated shore stations broadcast, in accordance with International Maritime Organization and International Telecommunication Union Recommendations, a unique identifier, positions, intentions and safety related port and waterway information to similarly equipped vessels and shore stations in order to improve collision avoidance and facilitate vessel tracking.
- *Vessel traffic service area (VTSA)*: An area defined at the request of the U.S. Coast Guard to which regulations related to vessel traffic services apply.

57. We agree with some of these proposals. Specifically, we will follow the suggestions relating to INMARSAT, Distress Signal, Distress Traffic, Inland Waters, and Maritime Mobile Service Identities. However, we see no need to revise the definition of Navigable Waters, as it already refers the reader to 33 C.F.R. § 2.05. In addition, we will not revise the Pilot definition as no specific concerns were provided. With regard to Safety and Urgency Signal, we believe that we need to keep the reference to radiotelegraphy for those who choose to continue to use that service. Nor will we add definitions for IMSO, AIS,¹⁴⁵ or VTSA, because these terms are not referenced in Part 80.

2. Subpart B-Applications and Licenses

58. **§ 80.13.** Section 80.13 of our Rules lists the ship station license requirements.¹⁴⁶ The USCG recommends that this regulation be amended to allow a ship earth station to be licensed by rule, to reflect current practice.¹⁴⁷ RBAW states that it understands that there have been talks between the U.S. and Canada concerning a possible reciprocal agreement to eliminate the ship station license requirement for voluntary vessels traveling between the two countries.¹⁴⁸ Thus, it recommends that Section 80.13(c) be amended to include the provisions to accommodate any such reciprocal agreement if executed, without further rulemaking.

59. We disagree with these proposals. Licensing maritime mobile satellite stations by rule is not our current practice, and in fact would neglect our responsibility to be able to identify users, retrieve

¹⁴⁵ Likewise, we decline to follow the Task Force's suggestion that we include enabling language in our Rules for the AIS. We believe that it is premature to do so at this time because not all of the international requirements and standards for AIS equipment have been finalized. Nonetheless, we remain committed to the timely deployment of AIS, and we will continue to work with the USCG to develop licensing, equipment certification, and frequency coordination requirements for AIS at an appropriate time. We will address this matter further in the public coast rulemaking proceeding, PR Docket No. 92-257.

¹⁴⁶ 47 C.F.R. § 80.13.

¹⁴⁷ USCG Comments at 20.

¹⁴⁸ RBAW Comments at 1.

ship station data from our licensing database in cases of interference, and to provide numbering resources.

We also disagree with RBAW that Section 80.13(c) should be amended to include the provisions to accommodate any reciprocal agreements between the U.S. and Canada if executed, without further rulemaking. In the absence of a reciprocal agreement, it would be premature to amend our regulations.¹⁴⁹

60. **§ 80.51.** Section 80.51 provides the ship earth station licensing requirements.¹⁵⁰ The USCG recommends deletion of the portions of paragraph (b) which discuss ship earth stations operating in the old Marisat system and the continued use of such stations, as the Marisat system is no longer in use.¹⁵¹ We agree that the rules applicable to ship stations operating under Marisat should be deleted, as the Marisat system has not been used since the 1980s. Therefore, we will delete the reference to Marisat in this rule, and throughout our regulations.

61. **§ 80.57.** Section 80.57 provides the channeling arrangements for VHF maritime public correspondence between the U.S. and Canada.¹⁵² The USCG recommends that this section be reviewed and revised to reflect recent vessel public correspondence auctions, recently revised Canadian/USA agreements, and current practices.¹⁵³ After reviewing the current text of Section 80.57 and the pertinent agreements between the U.S. and Canada, we see no reason to revise the rule. We believe the rule remains up-to-date with respect to the bilateral arrangements. Similarly, there is nothing in the record indicating a need to revise the rule to reflect recent vessel public correspondence auctions and/or current practices.

3. Subpart C-Operating Requirements and Procedures

62. **§ 80.67.** Section 80.67 sets forth the general facilities requirements for coast stations.¹⁵⁴ The USCG recommends that we delete the requirement that public coast stations transmit and receive H3E emission on the frequency 2182 kHz.¹⁵⁵ We agree. Only J3E is currently authorized,¹⁵⁶ so the deletion of H3E is appropriate.

63. **§ 80.91.** Section 80.91 provides the rules for the order of priority of communications.¹⁵⁷ The USCG comments that this section is outdated and should be replaced by the text of Article S53 of the

¹⁴⁹ See, e.g., Reorganization and Revision of Parts 1, 2, 21 and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Services, *Memorandum Opinion and Order and Notice of Proposed Rule Making*, WT Docket No. 94-148, 15 FCC Rcd 3129, 3144 ¶ 44 (2000).

¹⁵⁰ 47 C.F.R. § 80.51.

¹⁵¹ USCG Comments at 20.

¹⁵² 47 C.F.R. § 80.57.

¹⁵³ USCG Comments at 20.

¹⁵⁴ 47 C.F.R. § 80.67.

¹⁵⁵ USCG Comments Appendix at 26.

¹⁵⁶ See 47 C.F.R. §§ 80.143, 80.369(a).

¹⁵⁷ 47 C.F.R. § 80.91.

ITU Radio Regulations.¹⁵⁸ We agree and will replace this section accordingly. The adoption of the USCG's proposal here will promote international consistency, one of the key goals of this proceeding.

64. **§ 80.101.** Section 80.101 provides the radiotelephone testing procedures requirements.¹⁵⁹ We agree with the USCG's suggestion that we delete the portion of subsection (b) that permits short tests on 2182 kHz by vessels with double sideband (DSB) (A3) equipment to evaluate the compatibility of that equipment with A3J emissions, for distress and safety purposes.¹⁶⁰ We will, however, allow short tests on 4215 MHz, an alternative distress calling frequency for radiotelephone, if the vessel has MF/HF equipment. We also agree with the USCG that we should delete the prohibition in subsection (c) on 500 kHz testing,¹⁶¹ inasmuch as 500 kHz survival equipment is no longer used and we have already decided herein to delete 500 kHz as a safety frequency.¹⁶²

65. **§ 80.143.** Section 80.143 provides the required frequencies for radiotelephony.¹⁶³ We agree with the USCG¹⁶⁴ that we should delete the last sentence of subsection (a), which permits the use of A3E emissions for distress and safety purposes on 2182 kHz for portable survival craft equipment having the capability to operate on 500 kHz. This language is unnecessary because there is no current requirement for portable survival craft equipment operating on 500 kHz or 2182 kHz.

4. Subpart E-General Technical Standards

66. **§§ 80.205 and 80.207.** Section 80.205 lists the authorized bandwidths for different emission classes.¹⁶⁵ Section 80.207 sets forth emission classes.¹⁶⁶ The USCG recommends deletion of the authorized bandwidths for classes A1A, A1B, A1D, A3N, and A3X. These classes refer to telegraphy, telemetry and analog, none of which are currently used. We cannot delete the A3X reference as it applies to EPIRBs; similarly, A1A cannot be deleted as there are public coast stations authorized to use it, and radio direction finders still required to use it. A1D is applicable to 406 MHz EPIRBs and will not be deleted. A3N is applicable to direction finding equipment and cannot be deleted. In addition, we can discern no public interest benefit to deleting any of these references to emission classes given the absence of any reported interference problems that may be attributable to the referenced emissions. In addition, the USCG has proposed numerous deletions to the authorized emission classes.¹⁶⁷ Based on the current record, we decline to delete the radiotelegraphy emission classes, for the reasons discussed above.

¹⁵⁸ USCG Comments at 21.

¹⁵⁹ 47 C.F.R. § 80.101.

¹⁶⁰ USCG Comments Appendix at 37.

¹⁶¹ *Id.*

¹⁶² *See* ¶ 45, *supra*.

¹⁶³ 47 C.F.R. § 80.143.

¹⁶⁴ USCG Comments Appendix at 60.

¹⁶⁵ 47 C.F.R. § 80.205.

¹⁶⁶ 47 C.F.R. § 80.207.

¹⁶⁷ USCG Comments Appendix at 72-73.

Instead, in order to build a fuller record upon which to base a decision, we seek comment on the issue in the Further Notice of Proposed Rule Making portion of this document.¹⁶⁸

67. **§ 80.209.** Section 80.209 of our Rules provides the frequency tolerance requirements applicable to transmitters.¹⁶⁹ We agree with the USCG¹⁷⁰ that the frequency tolerances of 1000, 3000, and 5000, which were only applicable to transmitters approved before November 30, 1977 and are no longer permitted, and footnotes 3 and 5, which set forth frequency tolerances applicable only until February 1, 1999, should be deleted as obsolete.

68. **§ 80.213.** Section 80.213 sets forth the modulation requirements for transmitters.¹⁷¹ The USCG is correct that the band limits in this section for radar transponder coast stations and variable frequency ship stations transponders should be expanded to 2900-3100 and 9300-9500 MHz, consequential to previous allocation changes made in Section 2.106.¹⁷²

5. Subpart F-Equipment Authorization for Compulsory Ships

69. Subpart F of Part 80 contains the rules on equipment authorization for compulsory ships. The Commission proposed no changes to Subpart F. However, the Task Force recommends deletion of Subpart F, arguing that it is obsolete and that Subpart W contains all the guidance required by compulsory vessels.¹⁷³ The USCG concurs with the substantial deletion of this Subpart, but would retain Sections 80.251 (scope of the rule, except for the references to radiotelegraph), 80.269 (technical requirements for watch receivers, except for references to H2A and H2B emissions), 80.271 (technical requirements for portable survival craft transceivers) and 80.273 (refers reader to 80.825 for technical requirements for radar).¹⁷⁴ After reviewing the Subpart F rules and the comments, we agree that many of the rules in Subpart F are obsolete and can be eliminated. However, we also concur with the USCG's view that Subpart F should not be removed in its entirety. Specifically, we will retain Subpart F, but we will eliminate Sections 80.253 through 80.267 and modify Sections 80.251 and 80.269 as proposed by the USCG. In addition, we will amend Section 80.273 so that it no longer cross-references Section 80.825, which is being removed in conjunction with the deletion of Subpart Q, but instead provides a full description of our radar installation requirements and specifications. Finally, we have determined that existing Sections 80.818 through 80.823 should be moved from Subpart Q to Subpart F to permit the deletion of Subpart Q.¹⁷⁵ We believe the substance of these rules should be retained in Part 80 because they are drawn from requirements in the Communications Act.¹⁷⁶

¹⁶⁸ See ¶ 116, *infra*.

¹⁶⁹ 47 C.F.R. § 80.209.

¹⁷⁰ USCG Comments Appendix at 74-75.

¹⁷¹ 47 C.F.R. § 80.213.

¹⁷² USCG Comments at 22.

¹⁷³ Task Force Comments at 7.

¹⁷⁴ USCG Comments Appendix at 91-106.

¹⁷⁵ See n.106, *supra*.

¹⁷⁶ See, e.g., 47 U.S.C. §§ 351(a)(2), 355.

6. Subpart G-Safety Watch Requirements and Procedures

70. **§ 80.304.** The Task Force recommends that Section 80.304,¹⁷⁷ which sets forth the watch requirements during specified silence periods, be deleted in its entirety.¹⁷⁸ However, the USCG concurs only with the deletion of subsection (a), which deals with the watch requirement on telegraphy frequencies.¹⁷⁹ We agree with the USCG that subsection (b), which provides the watch requirements for 2182 kHz for ship stations operating on telephony on frequencies in the band 1605-3500 kHz, should be retained. As we stated above, insofar as non-GMDSS ships are still using 2182 kHz, the continued watch will result in interoperability between compulsory and non-compulsory vessels, thereby enhancing ship safety. Therefore, we will retain the 2182 kHz watch requirement in this section.

71. **§ 80.313.** The Task Force recommends¹⁸⁰ that the frequencies for DSC, INMARSAT, and EPIRB be added to the chart of frequencies for use in distress contained in Section 80.313. We believe the addition of the specified frequencies to the chart of frequencies in Section 80.313 is unnecessary because all of the DSC calling channels are listed in a table in Section 80.359,¹⁸¹ and the operator does not have control over the selection of EPIRB and INMARSAT frequencies used for distress, and no public coast stations keep watch on these frequencies. These are closed systems, watched by COSPAS-SARSAT, on the one hand, and INMARSAT, on the other. Accordingly, we will limit our revision of the chart of frequencies in Section 80.313 to removal of the entries for 500 kHz and 8364 kHz.¹⁸²

72. **§§ 80.314-80.316.** Sections 80.314, 80.315, 80.316 explain the format of the international radiotelegraphy and radiotelephone distress signals, distress calls and distress messages, respectively.¹⁸³ The USCG recommends deletion of Sections 80.314 and 80.315 in their entirety, and of Section 80.316(a),¹⁸⁴ but the Task Force recommends deleting only the international radiotelegraphy signal and call sections, and retaining the radiotelephone signal and call sections.¹⁸⁵ We concur with the deletion of Sections 80.314(a), 80.315(a), and 80.316(a) as they are clearly obsolete due to their references to international radiotelegraphy distress signals, distress calls, and distress messages, respectively. However, we do not believe the record supports deleting Sections 80.314 and 80.315 in their entirety. Inasmuch as these rules describe the Mayday procedures, which have not become obsolete, we believe that they should be retained and decline to delete them at this time. In addition, the Task Force suggests that we add the formats for DSC, INMARSAT and EPIRB signals, and DSC and INMARSAT

¹⁷⁷ 47 C.F.R. § 80.304.

¹⁷⁸ Task Force Comments at 7.

¹⁷⁹ USCG Comments Appendix at 107.

¹⁸⁰ Task Force Comments at 8.

¹⁸¹ See 47 C.F.R. § 80.359(a).

¹⁸² See ¶ 45, *supra*.

¹⁸³ 47 C.F.R. §§ 80.314, 80.315, 80.316.

¹⁸⁴ USCG Comments Appendix at 112-13.

¹⁸⁵ Task Force Comments at 8.

calls and messages.¹⁸⁶ However, we believe it is unnecessary to add the signals and calls recommended by the Task Force, because the rules at issue are intended to provide the formats for aural watchkeeping, whereas the DSC, INMARSAT and EPIRB signals will automatically be recognized by GMDSS equipment. We will also implement the USCG's recommendation that WRC-97 decisions pertaining to false distress alerts be incorporated herein.¹⁸⁷

7. Subpart H-Frequencies

73. **§ 80.363.** Section 80.363 sets forth the frequencies for facsimile transmissions.¹⁸⁸ The USCG notes that the table therein and footnote US296 to the Table of Frequency Allocations in Section 2.106 are inconsistent with ITU Radio Regulation APS 17 Table of Frequencies assignable to ships for wideband, and proposes that these sections be amended accordingly.¹⁸⁹ We agree and will implement both changes.

74. **§ 80.374.** Section 80.374 provides special provisions for frequencies in the 4000-4063 kHz and the 8000-8195 kHz bands shared with the fixed service.¹⁹⁰ The USCG recommends that this section be reviewed for conformance to WRC actions, but has not provided or specified the WRC actions at issue.¹⁹¹ Other than a need to remove some obsolete text from the introductory paragraph of Section 80.374, our review found no conflict with the international rules. Accordingly, we will revise the introductory paragraph but otherwise make no changes to this section.

75. **§ 80.375.** Section 80.375 describes the carrier frequencies assignable to radiodetermination stations.¹⁹² The USCG recommends that paragraphs (a)(1) and (2) be deleted as they apply to obsolete frequencies, and paragraphs (d)(2)(vii), (d)(3), and (d)(4) be deleted as they apply to obsolete transponders.¹⁹³ Further, it proposes that paragraph (e) be replaced with "Search and Rescue Radar Transponder." We agree with the proposed deletions. We will also add a new SART section, which will permit SARTs to operate in the band 9200-9500 MHz in accordance with ITU-R Recommendation M.628-1.

76. **§ 80.383.** Section 80.383 describes the carrier frequencies available for use in the Coast Guard Vessel Traffic Services (VTS) systems.¹⁹⁴ The Task Force recommends that this section be expanded with a new subsection to recognize the routine practice by which VTS operators ashore accept the distress watch on Channel 16 on behalf of vessels within their jurisdiction which have shifted their

¹⁸⁶ *Id.*

¹⁸⁷ USCG Comments at 17-18.

¹⁸⁸ 47 C.F.R. § 80.363.

¹⁸⁹ USCG Comments at 9.

¹⁹⁰ 47 C.F.R. § 80.374.

¹⁹¹ USCG Comments at 9.

¹⁹² 47 C.F.R. § 80.375.

¹⁹³ USCG Comments at 9.

¹⁹⁴ 47 C.F.R. § 80.383.

VHF guard to the VTS sector frequency.¹⁹⁵ It believes that the prescribed distress, VTS, and bridge-to-bridge watches often exceed the number of transceivers available. However, we decline to take any action here as we believe that Section 80.148 of our Rules¹⁹⁶ adequately addresses the Task Force's concern.

8. Subpart I-Station Documents

77. **§ 80.401.** Section 80.401 of our Rules lists the documents that Part 80 licensees are required to have.¹⁹⁷ In the *Notice*, the Commission proposed to amend Section 80.401 to add publications appropriate for GMDSS ships.¹⁹⁸ In response to this proposal, the Task Force recommended that the radio station categories which currently refer to vessels by reference to the applicable provisions in the Communications Act of 1934, e.g., "Telephone: Title III, Part II," be changed to describe the vessel type.¹⁹⁹ SEA suggested that the Commission's intention was to add columns for the GMDSS Master Plan, NIMA Publication 117, and the Admiralty List of Radio Signals.²⁰⁰ We believe both of these changes are warranted in the interest of improving the clarity and utility of the table, and will implement them.

78. **§ 80.409.** Anderson proposes that we amend Section 80.409(a), which provides the general requirements for the establishment and maintenance of station logs, to allow for the electronic maintenance of logs with a final printout for file at the end of the voyage.²⁰¹ He also recommends that we modify Section 80.409(b)(1)(i), which requires that logs relating to a distress situation or disaster be retained for three years,²⁰² to set the log requirements consistently for all logs at one or two years.²⁰³ We decline both suggestions. We believe action on electronic logs is unnecessary because our Rules do not limit the manner of log maintenance. We also are unconvinced that we should change the log retention requirements for distress cases. The longer period of log maintenance for distress cases is warranted to accommodate lengthy and time-consuming investigations.

9. Subpart M-Stations in the Radiodetermination Service

79. **§ 80.605.** Sections 80.605(b), (c) and (d) of our Rules pertain to USCG coordination for ship transponders.²⁰⁴ The USCG points out that no manufacturer has applied for certification of

¹⁹⁵ Task Force Comments at 8.

¹⁹⁶ 47 C.F.R. § 80.148.

¹⁹⁷ 47 C.F.R. § 80.401.

¹⁹⁸ *NPRM*, 15 FCC Rcd at 5978-79. As pointed out by some of the commenters, the table in the proposed amendment of Section 80.401 did not reflect the proposed changes but merely replicated the existing table.

¹⁹⁹ Task Force Comments at 9.

²⁰⁰ SEA Comments at 4.

²⁰¹ Anderson Comments at 2.

²⁰² 47 C.F.R. § 80.409(b)(1)(i).

²⁰³ Anderson Comments at 2.

²⁰⁴ 47 C.F.R. § 80.605(b), (c), (d).

transponders pursuant to these sections.²⁰⁵ Consequently, these transponder devices have never gone into general use since the adoption of these regulations. Furthermore, it asserts that the development of AIS equipment replaces the need for such transponders. Thus, the USCG recommends that these provisions be deleted and replaced by the following:

- (b) Coast station transponders (i.e. radar beacons, or racons) operating in the band 2900-3100 or 9300-9500 MHz shall meet the requirements of ITU-R Recommendation M.824-2. Applications for certification of these transponders must include a description of the technical characteristics of the equipment including the scheme of interrogation and the characteristics of the transponder response, and test results demonstrating the device meets each applicable requirement of this ITU-R recommendation.
- (c) The use of ship station transponders in the band 2900-3100 or 9300-9500 MHz other than those described in § 80.1085(a)(3) and § 80.1095(b) is prohibited.

We agree that this new text is appropriate, as GMDSS now requires the 9 GHz Radar Transponder, and will implement the proposed change.

10. Subpart S-Compulsory Radiotelephone Installations for Small Passenger Boats

80. **§ 80.909.** Section 80.909(b) provides the technical requirements for single sideband (SSB) radios.²⁰⁶ The USCG recommends deletion of the reference therein to H3E emissions, which, as noted above,²⁰⁷ are no longer permitted, and of the last sentence of this subsection, which permitted SSBs installed before 1992 to be used until 1997.²⁰⁸ We agree with the USCG and will adopt the proposed changes.

11. Subpart U-Radiotelephone Installations Required by the Bridge-to-Bridge Act

81. Subpart U of our Rules²⁰⁹ sets forth the regulations implementing the Bridge-to-Bridge Act.²¹⁰ The Commission proposed no changes to Subpart U. Maritel, however, argues that vessels required to comply with GMDSS are also subject to the Bridge-to-Bridge Act.²¹¹ It believes that once Sea Area A1 is operational and GMDSS requirements are mandatory, Subpart U may be redundant of our GMDSS rules. The USCG disagrees with Maritel, and asserts that the need for shipmasters to instantly communicate by voice will always exist.²¹² It further asserts that thousands of vessels would be affected

²⁰⁵ USCG Comments at 23.

²⁰⁶ 47 C.F.R. § 80.909(b).

²⁰⁷ See ¶ 62, *supra*.

²⁰⁸ USCG Comments Appendix at 232.

²⁰⁹ 47 C.F.R. §§ 80.1001-80.1023.

²¹⁰ See 33 U.S.C. § 1203 (1971).

²¹¹ Maritel Comments at 14.

²¹² USCG Reply Comments at 4.

by Maritel's proposed change.²¹³

82. We disagree with Maritel's assertion that our rules pertaining to the Bridge-to-Bridge Act are redundant of our GMDSS rules. The Bridge-to-Bridge Act applies to vessels that are not subject to GMDSS. Thus, these regulations will be applicable to such vessels. In addition, we do not appear to have the authority to delete regulations implementing the Bridge-to-Bridge Act since the Act itself has not been repealed. Furthermore, even if Maritel's assertions are correct, we believe it would be premature to delete these rules prior to the full implementation of GMDSS, *i.e.*, the establishment of Sea Areas A1 and A2, especially since the time frame for such establishment is uncertain. Therefore, we take no action on Maritel's proposal.

83. The USCG additionally proposes that the following note be added to Section 80.1003:

Vessels operating in high level electromagnetic environments may experience interference on bridge-to-bridge radiocommunications frequencies which may preclude their ability to meet the requirements of this Section; radiotelephone installations which meet the requirements of RTCM 87-99/SC117-STD are designed to maintain successful reception in such areas. That standard is available from the Radio Technical Commission for Maritime Services (see <http://www.rtcn.org>).²¹⁴

The apparent purpose of this advisory note is to alert mariners who are experiencing severe and disruptive interference on VHF channels that radios which meet the RTCM requirements will provide better reception and communication capabilities. While we agree with the USCG that this note would be very helpful to mariners, we note that the addition of this language to our rule would have no regulatory effect. Therefore, we decline to amend Section 80.1003 as suggested. Nonetheless, since we believe the note provides useful information, we will place it on our website.

12. Subpart V-Emergency Position Indicating Radiobeacons (EPIRBs)

84. **§ 80.1061.** Section 80.1061 provides the special requirements for 406 MHz EPIRBs.²¹⁵ The USCG recommends that the frequency reference to satellite EPIRBs in this and all sections of Part 80 be amended to read 406 MHz rather than 406.025 MHz.²¹⁶ It believes such a change is warranted because new satellite EPIRB productions may be on frequencies in 3 kHz steps within the 406-406.1 MHz band to prevent saturation of the 406.025 MHz frequency. It further recommends that Section 80.1061(a) be revised to include the current version of the RTCM standard for 406 MHz EPIRBs, Version 2.1, August 22, 2000.²¹⁷ In addition, the USCG proposed that Section 80.1061 be revised to specify that independent laboratories, rather than the USCG, verify the compliance of 406 MHz EPIRBs with RTCM standards, stating that this would streamline the authorization process.²¹⁸ The Task Force recommends that the

²¹³ *Id.*

²¹⁴ USCG Comments at 25.

²¹⁵ 47 C.F.R. § 80.1061.

²¹⁶ USCG Comments at 26.

²¹⁷ *Id.*

²¹⁸ *Id.* The current procedure for securing equipment authorization for EPIRBs calls for the equipment to be tested for compliance with the Commission's Rules at a USCG-approved laboratory, after which the manufacturer or laboratory forwards the test report and other information to the USCG for its review. The USCG then issues a (continued....)

reference to the Commandant (G-MVI) be updated to (G-MSE).²¹⁹

85. We agree with the USCG that the 406.025 MHz reference is inaccurate. However, we also believe that a sole reference to 406 MHz is similarly inaccurate as it does not precisely describe the band, which will span from to 406.0-406.1 MHz. Therefore, we will amend our Rules to reflect the frequency reference to such EPIRBs as 406.0-406.1 MHz. We will also implement the proposed RTCM reference update, and the Task Force's suggestion as to the Commandant reference. However, we decline to revise Section 80.1061 at this time to require that independent laboratories, in lieu of the USCG, be responsible for verifying the compliance of 406.0-406.1 MHz EPIRBs with RTCM standards. The current record on this issue does not support the USCG's assertion that such a change would streamline the authorization process. Therefore, given the potential public safety implications of changing the manner in which EPIRBs are tested for compliance with regulatory requirements, we decline to take such action at this time.

13. Subpart W-Global Maritime Distress and Safety System (GMDSS)

86. **§ 80.1067.** Section 80.1067 of our Rules sets forth the ship station inspection requirements.²²⁰ Currently, it requires that ships have their GMDSS equipment inspected at least once every twelve months by an FCC-licensed technician holding a GMDSS Radio Maintainer's License. The Standards of Training, Certification and Watchkeeping (STCW) Convention contains stricter license requirements for such inspectors. Thus, the USCG recommends that this section be amended to be consistent with the STCW Convention, and require that such inspectors hold the First Class GROL.²²¹ It argues that such a requirement is necessary because lives depend on this equipment operating properly.²²² It recommends that inspectors be given eighteen months to comply with the stricter requirements.²²³ Because we believe that successful completion of our licensing requirements sufficiently demonstrates the competency of such inspectors, we decline to implement the USCG's proposal. We are not aware of any significant problem of malfunctioning equipment attributable to inadequate training of FCC-licensed inspectors. Given that not all persons who must hold a GMDSS Radio Maintainer's License are subject to the STCW requirements,²²⁴ and in the absence of record evidence to support a finding that adoption of the USCG's proposal would address an existing safety problem, we believe conforming our licensing requirements in this area with those of the STCW Convention would unnecessarily add to the burden of applicants for maintainer licenses who do not also need an STCW certification.

87. **§ 80.1069.** Section 80.1069 provides the definitions of the various Sea Areas.²²⁵ As
(Continued from previous page) _____
letter stating whether the EPIRB is compliant, which must accompany the application to the Commission for certification of the EPIRB.

²¹⁹ Task Force Comments at 10.

²²⁰ 47 C.F.R. § 80.1067.

²²¹ USCG Comments at 30.

²²² *Id.*

²²³ *Id.*

²²⁴ See n.47, *supra*.

²²⁵ 47 C.F.R. § 80.1069.

presently written, the rule defines the Sea Areas in terms of their GMDSS equipment coverage. For example, Sea Area A1 is defined as the area within radiotelephone coverage of at least one VHF coast station.²²⁶ The USCG suggests that this section be rewritten to be more informative to a U.S. licensee and to be enforceable.²²⁷ For example, it suggests that the Sea Areas be expressed in distances from the U.S. coast.

88. We disagree with the USCG. The definitions of the various Sea Areas contained in our Rules are derived directly from the SOLAS Convention, which was responsible for the creation of these concepts, and hence, their definitions. Furthermore, one of the main purposes of this proceeding was to align our Rules with international ones. Amending our definitions in a manner that would create a conflict with international definitions is inconsistent with a goal of this proceeding. Therefore, we take no action on the USCG's proposal.

89. **§§ 80.1071 & 80.1074.** Section 80.1071(b)(3) allows for an exemption from certain GMDSS rules prior to February 1, 1999.²²⁸ Section 80.1074(b)(3) allows certain licenses to qualify one as a GMDSS maintainer until February 1, 1999.²²⁹ We agree with the USCG that we should delete these sections, since they were applicable only until dates which have passed.²³⁰

90. Section 80.1074 requires vessels electing at-sea maintenance for their GMDSS equipment to carry at least one person who qualifies as a GMDSS radio maintainer.²³¹ This person may also serve as GMDSS radio operator.²³² The USCG does not concur with allowing the radio maintainer to also serve as radio operator.²³³ It believes that such a provision effectively precludes it from requiring these functions to be the responsibility of separate crewmembers. We disagree with the USCG that the GMDSS radio operator should not also be permitted to serve as radio maintainer. Maintenance at sea, in practice, is usually limited to repairing antenna mountings, cabling, fuse replacement and changing to a spare unit. We see no reason why the referenced functions need to be served by separate individuals. Nonetheless, we understand the USCG's concern, and hereby clarify that we do not intend to impede it from imposing its own staffing and manning requirements.

91. The Task Force comments that ships electing at-sea maintenance should be required to carry equipment repair manuals, manufacturer's recommended spare parts, and appropriate test equipment.²³⁴ We decline to take any action on the Task Force's proposal, however, as its suggested

²²⁶ 47 C.F.R. § 80.1069(a)(1).

²²⁷ USCG Comments at 16.

²²⁸ 47 C.F.R. § 80.1071(b)(3).

²²⁹ 47 C.F.R. § 80.1074(b)(3).

²³⁰ USCG Comments at 15.

²³¹ 47 C.F.R. § 80.1074(a).

²³² *Id.*

²³³ USCG Comments at 31.

²³⁴ Task Force Comments at 10.

requirement is already contained in our Rules at Section 80.1105(f).²³⁵

92. **§ 80.1073.** Section 80.1073(b)(6) sets forth the responsibilities for GMDSS radio operators and backups.²³⁶ The Task Force proposes that it be reworded to read “Responsible for ensuring that the ship’s navigation position is entered into all installed DSC equipment, either automatically through a connected or integral navigation receiver, or manually at least every four hours when the ship is underway.”²³⁷ The suggested change would merely serve to clarify that the navigation receiver may be connected or integral. Implementing the Task Force’s proposal would permit the DSC, INMARSAT station, or satellite EPIRB to provide the ship’s position with an integral navigation receiver. The proposed change will cover several alternative methods to ensure that the DSC alert message has an up-to-date position. Further, the change will clarify the rule. Therefore, we will adopt the Task Force’s proposed language.

93. **§ 80.1075.** Section 80.1075 provides that, in accordance with the Radio Regulations, a record must be kept of all incidents connected with the radio communication service which appear to be of importance to safety of life at sea.²³⁸ Anderson comments that this requirement should be deleted because it is unnecessary, and inconsistent with Section 80.409(e),²³⁹ which attempts to reduce the burden of log keeping.²⁴⁰ We disagree with Anderson and believe that we should continue to require vessels to keep a record of radiocommunication incidents which appear to be of importance to safety of life at sea. While Section 80.409 does attempt to eliminate redundant and unnecessary log keeping chores, it in no way hints at eliminating this type of record. Furthermore, the Radio Regulations and Chapter V of SOLAS require this type of record keeping. Therefore, we take no action on Anderson’s proposal.

94. **§§ 80.1077 & 80.359.** Anderson points out that there may be an inconsistency between Sections 80.1077 and 80.359.²⁴¹ Section 80.1077 allows MF-HF DSC frequencies to be used for routine calling purposes,²⁴² whereas Section 80.359(a) lists only two frequencies, 156.525 MHz (VHF Channel 70) and MF 2177.0 kHz for routine, general purpose calling.²⁴³ Anderson further points out that Section 80.359(b) appears to deny the use of DSC distress frequencies for routine ship-to-ship calling.²⁴⁴ He asserts that this is confusing and should be clarified, so that it specifies whether routine DSC calls are allowed on MF-HF DSC frequencies, via elimination of the word “calling.” He disagrees with a rule that would not allow for occasional routine calling on MF-HF DSC frequencies, and recommends a limitation

²³⁵ 47 C.F.R. § 80.1105(f).

²³⁶ 47 C.F.R. § 80.1073(b)(6).

²³⁷ Task Force Comments at 10.

²³⁸ 47 C.F.R. § 80.1075.

²³⁹ 47 C.F.R. § 80.409(e).

²⁴⁰ Anderson Comments at 4.

²⁴¹ *Id.*

²⁴² 47 C.F.R. § 80.1077.

²⁴³ 47 C.F.R. § 80.359(a).

²⁴⁴ Anderson Comments at 4.

of one call on any individual DSC frequency with a waiting period of fifteen to thirty minutes before making a second call on the same DSC frequency for routine purposes.²⁴⁵ RBAW agrees with these comments.²⁴⁶

95. We agree that there may be an inconsistency between Sections 80.1077 and 80.359(b). Our intention with regard to these sections, however, has been to prohibit routine calling on the DSC frequencies. Hence, we will amend the table at Section 80.1077, and hereby clarify that routine calling is not permitted on MF and HF DSC frequencies. We believe that Section 80.359(b) is presently clear on this issue, and that changes thereto are unnecessary.

96. With further respect to Section 80.1077, the USCG observes that footnote 8 concerning the frequency 490 kHz has expired and therefore should be deleted.²⁴⁷ The USCG also observes that footnote 9, which states, “Frequency 4209.5 kHz is not used in the United States (see 47 CFR 2.106 footnote 520A),” likewise should be deleted because the referenced footnote 520A no longer exists.²⁴⁸ We agree with the USCG that footnotes 8 and 9 are obsolete, and we will delete them.²⁴⁹

97. **§ 80.1085.** Section 80.1085(a)(4) requires that compulsory ships carry a NAVTEX receiver.²⁵⁰ Section 80.1101(c)(1) provides the performance standards for such receivers.²⁵¹ The Task Force recommends recognition, in these sections, of a type of NAVTEX receiver that has a visual display unit (VDU) instead of a printer.²⁵² We understand the appeal of these units as they utilize less paper. Nevertheless, we decline to recognize NAVTEX receivers with VDU units at this time because the IMO does not recognize these devices for compulsory ships. It is our understanding that the ones used in Europe are limited to pleasure craft. Furthermore, performance standards and technical recommendations do not yet exist for such units. Therefore, we cannot recognize these units in our Rules at this time.

98. **§§ 80.1085-80.1093.** The USCG advises that Sections 80.1085 through 80.1093 are difficult to interpret.²⁵³ It recommends that these regulations be replaced with simplified tables showing

²⁴⁵ *Id.*

²⁴⁶ RBAW Reply Comments at 2.

²⁴⁷ USCG Comments at 18.

²⁴⁸ *Id.* at 18-19. The USCG points out that the footnote is also inaccurate because 4209.5 kHz is an internationally recognized and used NAVTEX frequency. The USCG plans to use this NAVTEX frequency on a trial basis as a means of improving maritime safety broadcast service and to cover gaps in coverage of similar information broadcast on the international NAVTEX frequency 518 kHz.

²⁴⁹ As an additional measure to remove any confusion regarding permissible usage of the frequency 4209.5 kHz, we are amending the table in Section 80.359(a) to correct a typographical error. The frequency 4209.5 kHz is listed in that table as a DSC Series B ship frequency. The table will now list the correct DSC Series B ship frequency, 4209.0 kHz.

²⁵⁰ 47 C.F.R. § 80.1085(a)(4).

²⁵¹ 47 C.F.R. § 80.1101(c)(1).

²⁵² Task Force Comments at 10.

²⁵³ USCG Comments at 16.

equipment required for each Sea Area, and offers assistance in developing these tables.²⁵⁴ Although we agree that simplified tables might be useful for readers, we decline to replace Sections 80.1085-80.1093 with simplified tables. The existing tables were extracted from the SOLAS Convention and simplified tables will have no authoritative endorsement. Hence, we believe that any such tables should be reviewed and accepted by the IMO before being added to our Rules. Thus, we encourage the USCG to develop these tables and submit them to the IMO for endorsement.

99. **§ 80.1095.** Section 80.1095 sets forth the survival craft equipment requirements.²⁵⁵ The USCG asserts that paragraph (a) lacks clarity and proposes that it be replaced by the following:

(a) At least three two-way VHF radiotelephone apparatus must be provided on every passenger ship and on every cargo ship of 500 tons gross tonnage and upwards. At least two two-way VHF radiotelephone apparatus must be provided on every cargo ship of between 300-500 tons gross tonnage. If portable, two-way VHF radiotelephones must be stowed in survival craft or in such locations that they can be rapidly placed in any survival craft other than life rafts required by Regulation 111/26.1.4 of the SOLAS Convention. Fixed two-way VHF radiotelephone installations in survival craft may also be used to meet this requirement. Two-way VHF radiotelephone apparatus, portable or fixed, must conform to performance standards as specified in Sec. 80.1101.²⁵⁶

We disagree with the USCG. We fail to see how the proposed language, which is almost identical to the existing language, clarifies the rule. Furthermore, the language in this rule has been drawn directly from the SOLAS regulations. Therefore, we take no action with regard to this proposed change.

100. **§ 80.1099.** Section 80.1099 of the Rules sets forth the power supply requirements for ships.²⁵⁷ The USCG proposes that we amend Section 80.1099(h) to clarify that, under SOLAS regulation 13, the “continuous supply” requirement mandated by Section 80.1099(h) applies to a navigation receiver referred to in SOLAS regulation 18.²⁵⁸ Inasmuch as this requirement originates from SOLAS, we will adopt the USCG’s suggestion.

²⁵⁴ *Id.*

²⁵⁵ 47 C.F.R. § 80.1095.

²⁵⁶ USCG Comments at 32-33. For purposes of comparison, the rule currently provides:

At least three two-way VHF radiotelephone apparatus must be provided on every passenger ship and on every cargo ship of 500 tons gross tonnage and upwards. At least two two-way VHF radiotelephone apparatus must be provided on every cargo ship of between 300-500 tons gross tonnage. Portable two-way VHF radiotelephones must be stowed in such locations that they can be rapidly placed in any survival craft other than liferafts required by Regulation III/26.1.4 of the SOLAS Convention. Alternatively, survival craft may be fitted with a fixed two-way VHF radiotelephone installation. Two-way VHF radiotelephone apparatus, portable or fixed, must conform to performance standards as specified in §80.1101 of this part. Two-way VHF radiotelephone apparatus provided on board ships prior to February 1, 1992, and not complying fully with the performance standards specified in §80.1101 of this part, may be used until February 1, 1999, provided it is compatible with approved two-way VHF radiotelephone apparatus. 47 C.F.R. § 80.1095(a).

²⁵⁷ 47 C.F.R. § 80.1099.

²⁵⁸ USCG Comments at 14.

101. **§ 80.1105.** Section 80.1105 of the Rules sets forth the maintenance requirements for ship equipment.²⁵⁹ The USCG proposes that we incorporate therein the SOLAS regulation requiring testing of satellite EPIRBs on board the ship or at an approved testing or servicing station, at intervals not exceeding twelve months for all aspects of operational efficiency, with particular emphasis on frequency stability, signal strength and coding.²⁶⁰ Inasmuch as this requirement originates from SOLAS, we will adopt the USCG's suggestion.²⁶¹

14. Manufacture and Distribution of non-DSC Capable VHF Radios

102. Maritel asserts that our new rules will require that all vessels carry DSC compatible equipment.²⁶² Maritel proposes that the regulations also impose an affirmative obligation on equipment manufacturers, and prohibit the distribution and/or sale of non-DSC capable VHF radios after the Coast Guard has declared that at least a meaningful portion of Sea Area A1 has been built.²⁶³ Because we have already addressed and implemented a similar proposal by the USCG in the earlier proceeding, we decline to take any further action here.²⁶⁴

15. Consolidation of Rules Regarding Distress Communications

103. Maritel believes that the current organization of the rules concerning safety communications is confusing and the rules should be consolidated.²⁶⁵ Maritel proposes that the safety and distress related communications rules found at Subpart W and Subpart G be consolidated into Subpart W, because both subparts specify similar procedures.²⁶⁶ While consolidation of our Rules is indeed a goal of this proceeding, we do not believe consolidation of Subparts G and W is appropriate at this time. Consolidation may leave some ships that are not subject to Subpart W, but which carry radiotelephone equipment, without appropriate provisions for distress communication guidance. While after the USCG establishes Sea Areas A1 and A2, it may be appropriate to evaluate whether to retain Subpart G, no action will be taken at this time.

²⁵⁹ 47 C.F.R. § 80.1105.

²⁶⁰ USCG Comments at 14.

²⁶¹ For the same reason, we adopt the USCG's associated recommendation to amend Section 80.1085(a)(6) to specify that satellite EPIRBs be examined and tested annually in accordance with IMO Circular MSC/Circ.882, Guidelines on annual testing of 406 MHz satellite EPIRBs. *Id.* at 14-15. Accordingly, Sections 80.1085 and 80.1105 will reflect the same substantive requirement for annual testing of satellite EPIRBs pursuant to international standards.

²⁶² Maritel Comments at 3.

²⁶³ *Id.*

²⁶⁴ See In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications, *Second Report and Order and Further Notice of Proposed Rulemaking*, PR Docket No. 92-257, 12 FCC Rcd 16949, 16968 ¶ 32 (1997). In that proceeding, we required that all new applications for type acceptance of MF, HF, and VHF marine radios received on or after June 17, 1999, comply with either the current international DSC standard or the new minimum requirements developed by the RTCM and endorsed by the USCG. *Id.*

²⁶⁵ Maritel Comments at 3.

²⁶⁶ *Id.*

16. Automatic Switching of Distress Calls

104. Our Rules provide that GMDSS distress communications on the VHF band be originated or signaled on Channel 70.²⁶⁷ Once contact has been made, the distress communication must then switch to another pre-designated channel. Maritel proposes that the FCC require that DSC transceivers have the ability to automatically switch from Channel 70 to the pre-designated communications channel once the responding entity has acknowledged the distress signal.²⁶⁸ Under this proposal, however, an operator would still be able to manually switch the radio to the designated voice distress channel. The USCG is not opposed to this request, but states that any such automatic switching should be to Channel 16. Further, it suggests that once the operator in distress overrides automatic switching, no additional automatic switching should be permitted.²⁶⁹

105. We disagree with imposing such a requirement on all DSC transceivers, as there appears to be no clear advantage to adding this requirement. Further, such a requirement could have a substantial impact on manufacturers, as well as on ships who fit more than one VHF-DSC radio, as all their radios would automatically switch unnecessarily in the event of receipt of a distress alert. Furthermore, the DSC radio protocol is designed to alarm on receipt of a distress call, and must be manually cleared so that someone will pay attention to the call. If automatic switching is mandated, it is unclear what will happen to the alarm, and ships will not know if the call is acknowledged or repeated.

17. General Editorial Comments

106. The USCG recommends the following updates to names of international organizations, addresses, and ITU Radio Regulation numbering throughout Part 80.²⁷⁰

- CCIR (International Radio Consultative Committee) and CCIT should be changed to ITU-R (International Telecommunication Union Radiocommunications Sector) and ITU-T respectively.
- ITU Radio Regulation Articles and Appendixes now have an S preceding the reference.
- Change the address for the USCG AMVER office to AMVER Maritime Relations, USCG Battery Park Building, Room 201, New York, New York 10004-1499.
- Change the address for Radio Technical Commission for Maritime Services (RTCM) to Suite 600, 1800 Diagonal Road, Alexandria, VA 22314, <http://www.rtcn.org>.

We agree with the USCG's proposal, and will implement this proposal in our Rules where applicable.

IV. FURTHER NOTICE OF PROPOSED RULE MAKING

107. In response to our *Notice*, we received a number of comments and proposals that, if implemented, would result in significant changes to our Rules. We believe that it is appropriate to give interested parties an opportunity to comment on these proposals before we take any action thereon.

²⁶⁷ See 47 C.F.R. §§ 80.1077, 80.1111(b).

²⁶⁸ Maritel Comments at 3.

²⁶⁹ USCG Reply Comments at 2.

²⁷⁰ USCG Comments at 20-21.

Furthermore, it was not possible to determine the full impact of such changes with the information provided.

108. In this *Further Notice of Proposed Rule Making*, we solicit comment on whether we should: (1) establish a voluntary restricted GMDSS license or take other measures to address the needs of recreational vessel operators; (2) clarify or change the safety watch obligations of public coast stations; (3) permit unattended operation of non-DSC equipment; (4) prohibit ship stations from including any device capable of transmitting on a distress frequency without regulatory authorization; (5) delete any existing emission classes; (6) permit the use of Channels 75 and 76 for navigation-related port operations, subject to specified power limits, and also require that transmitters operating on such channels be limited to the specified power limits, with no manual override capability; (7) codify in the Rules the RTCM's Recommended Practices for DSC equipment; (8) revise our radiotelephone and radiotelegraph distress call and message transmission procedures to incorporate DSC and GMDSS procedures; (9) authorize the use of INMARSAT-E EPIRBs by U.S. vessels operating solely within the INMARSAT coverage footprint; (10) require that small passenger vessels be outfitted with DSC equipment; (11) mandate that, on passenger ships, at least one qualified person be assigned to perform only radio communications duties during distress situations; and (12) incorporate additional SOLAS requirements for equipment in Subpart W. We also seek comment on issues pertaining to e-mail requests, Part 80 tables of frequencies, GMDSS radio operator examination requirements, and Part 80 cross-references to Part 2 of the Rules. Below, we describe these proposed changes in greater detail.

1. Voluntary Restricted GMDSS License

109. The Task Force recommends that a restricted GMDSS license be established to fill a need for voluntary training by recreational vessel operators who will soon begin using VHF-DSC, but who are not required to hold any license or receive any training.²⁷¹ It believes that the large number of these anticipated new users poses a serious false alarm threat to the safety system. Similarly, RBAW requests that consideration be given to establishing a restricted license to fill the need for voluntary training by recreational vessel operators and to fill the needs of U.S. citizens chartering recreational vessels in other countries that require such a license to operate a vessel equipped with DSC radios.²⁷²

110. At this time, we decline to propose to establish an additional license to be issued to recreational vessel operators upon completion of a voluntary training course. License administration is an enormous task that is extremely taxing upon Commission resources. Furthermore, there is no precedent for such a license. Nonetheless, we recognize that there may be some need for recreational vessel operators chartering recreational vessels in other countries to demonstrate competency in the use of DSC equipment. We therefore seek additional information on the specific nature of this or similar needs of recreational vessel operators, as well as information on what other options may be available to these operators to meet such needs. We further seek comment on our tentative conclusion, and on other actions we can undertake to assist such operators with such a need.

2. Coast Station Watches

111. Section 80.103(c) of our Rules requires that DSC acknowledgment of DSC distress and safety calls be made by designated coast stations in accordance with procedures contained in ITU-R

²⁷¹ Task Force Comments at 4.

²⁷² RBAW Comments at 1.

Recommendation 541.²⁷³ Maritel comments that this rule presumes the establishment of Sea Area A1, but no coast station presently has the ability to acknowledge DSC distress calls, and will not have this ability until the establishment of that Sea Area.²⁷⁴ Maritel asserts that the use of the term “designated coast station” as used in this section is not clearly defined, and assumes that this term will apply to the USCG or its designee. It would like us to clarify this term, and to clarify the entity that will have the authority to make such designations. Furthermore, because no entity currently has the ability to serve as a designated coast station and respond to DSC calls, Maritel suggests that Section 80.103(c) become effective only after a determination that Sea Area A1 is operational.

112. In response to Maritel’s comments, the USCG replies that it supports a provision within the Commission’s Rules that any coast station operating on Channel 70 have the ability and obligation to answer a distress call on Channel 70 if a USCG station does not or cannot answer such a call within the required time.²⁷⁵ It proposes that the obligation of a station answering such a call would be similar to existing obligations regarding the receipt of a distress and safety call over voice channels.²⁷⁶

113. We believe that a decision on this issue cannot be made on the current record, and hereby request further comment on Maritel’s and the USCG’s respective proposals. We seek clarification of the parties’ positions. Further, we seek comment on the Commission’s authority to require public coast stations to conduct continuous safety watches, the economic impact of such a requirement on public coast stations, and the manner in which coast stations could relay distress communications to the USCG.

3. Unattended Operations for Non-DSC Equipment

114. Section 80.179 of our Rules permits DSC transmitters to operate unattended.²⁷⁷ Maritel, which operates both DSC and non-DSC equipment, has requested that we extend Section 80.179 to non-DSC equipment by allowing the unattended operation of such equipment so long as the licensee has the ability to remotely terminate operations of the transmitter.²⁷⁸ We are not persuaded by Maritel’s proposal. We are concerned that broadening Section 80.179 might encourage potential abuse of the channel and could overload the channel beyond 0.1 Erlang²⁷⁹ as well as encourage adding scanning receivers to all ships operating with VHF. Also, we are concerned about the implications of acknowledging distress calls without any manual intervention. We seek comment on our tentative conclusion on Maritel’s proposal, and the impact and implications thereof.

²⁷³ 47 C.F.R. § 80.103(c).

²⁷⁴ Maritel Comments at 6-7.

²⁷⁵ USCG Reply Comments at 3-4.

²⁷⁶ *Id.*

²⁷⁷ 47 C.F.R. § 80.179.

²⁷⁸ Maritel Comments at 11.

²⁷⁹ An Erlang is a measurement of telephone traffic which indicates the loading of a given channel. It is used in probability analysis to predict the possibility of a channel being blocked from use, *i.e.*, in the telephone context, getting a busy signal. A 0.1 Erlang measurement indicates that 10 percent of the channel capacity is being used at any given time. See Newton’s Telecom Dictionary, 16th Edition (2000) at 327.

4. Distress Frequency Signals

115. The USCG recommends that Section 80.203 of our Rules²⁸⁰ be amended to forbid ship stations from including any device or provision capable of transmitting any signal on a distress frequency unless specific provisions exist in the regulations authorizing such a signal.²⁸¹ However, the Communications Act is very permissive about distress signals, and the effect of this proposal on manufacturers to put in tone signaling equipment is unclear. This proposal also appears to impede manufacturers from improving their equipment. Therefore, we seek public comment on the USCG's proposal to prevent ship stations from including any device capable of transmitting on a distress frequency without regulatory authorization. We are especially interested in receiving comments on the impact of such a rule on manufacturers, and whether such a rule would be consistent with the Communications Act.

5. Emission Classes

116. Although we have determined that the current record does not support deletion of any emission classes from Section 80.205 or Section 80.207,²⁸² we invite further comment on this issue. Commenters favoring the deletion of emission classes should explain the public interest benefits to be derived from such deletion. We are especially interested in receiving data or anecdotal evidence indicating whether the availability of these emission classes has caused actual interference to marine radio communications.

6. Use of Channels 75 and 76 for Port Operations

117. Section 80.373 describes the carrier frequencies assignable for ship-to-ship and ship-to-coast private communications.²⁸³ The USCG proposes that the table in Section 80.373(f) describing the carrier frequencies available in the 156-162 MHz band for radiotelephone communications be amended to include Channels 75 (156.775 MHz) and 76 (156.825 MHz).²⁸⁴ The USCG further proposes that these channels, which are currently designated in our Rules as guard bands for Channel 16 (156.800 MHz) and thus unavailable for use,²⁸⁵ should be made available for navigation-related port operations or ship movement only, that transmitter output power should be limited to one watt for ship stations and ten watts for coast stations, and that we should require that all precautions be taken to avoid harmful interference to Channel 16.²⁸⁶ Finally, the USCG recommends that the table heading for Channel 22A be amended to read "Liaison and Safety Broadcasts, U.S. Coast Guard" to reflect how the frequency is being used. We tentatively agree with all of the USCG proposals to amend Section 80.373(f) and propose to amend the rule accordingly.

²⁸⁰ 47 C.F.R. § 80.203.

²⁸¹ USCG Comments at 29.

²⁸² See ¶ 66, *supra*.

²⁸³ 47 C.F.R. § 80.373.

²⁸⁴ USCG Comments at 8.

²⁸⁵ See 47 C.F.R. § 80.871(d).

²⁸⁶ USCG Comments at 8.

118. Section 80.215 of our Rules contains the requirements for transmitter power.²⁸⁷ In conjunction with its proposal to make Channels 75 and 76 available for navigation-related port operations or ship movement, the USCG also proposes that we amend Section 80.215(g)(3) to require that transmitters reduce the carrier power to one watt or less when the transmitter is tuned to Channel 75 or 76, with no manual override capability.²⁸⁸ We seek comment on this proposal. We are specifically interested in whether the carrier power should be limited to one watt, under what circumstances should more than one watt be allowed, and how we can assure that there will be no interference to Channel 16. We are also concerned with the impact of such a rule on manufacturers, and seek comment on whether all new radios should be required to have the two new channels proposed by the USCG. Further, we are interested in receiving suggestions on appropriate grandfathering clauses, should the new transmitter power and channel addition proposals be implemented. Finally, we seek comment on whether we should narrowband these channels to relieve the strain of any perceived deficiencies in the number of available marine channels.

7. Digital Selective Calling Equipment

119. **§ 80.225.** Section 80.225 contains the requirements for selective calling equipment.²⁸⁹ The USCG recommends that this section be amended to incorporate the RTCM Special Committee 101's Recommended Practices for Digital Selective Calling Equipment Design and Implementation. It recommends that the following language be added to Section 80.225(a):²⁹⁰

- (i) allow the operator to disable any automatic radiotelephone channel switching function,
- (ii) allow the operator the option of manually acknowledging any call,
- (iii) not allow the automatic composition of a distress relay alert whose acknowledgement had already been received,
- (iv) automatically erase any position information not updated for more than 23 ½ hours,
- (v) explicitly prohibit the offering of wrong identities in relay messages,
- (vi) ensure that default selections in a displayed menu requesting input, when allowed, should at a minimum follow ITU-R Recommendation M.541. A default selection shall never cause an improper or illegal operation.

RBAW concurs with these recommendations.²⁹¹ In addition, SEA points out that the CCIR reference in paragraph (c)(2) should refer instead to ITU-Recommendation M.493.²⁹² We tentatively agree with these suggestions, and seek comment on the proposed amendment to Section 80.225 set forth in Appendix C. We note, however, that this rule is applicable to all selective calling equipment, not just digital selective calling equipment, so the proposed change would also affect manufacturers of basic selective calling equipment (such as Nocode in the Gulf). Commenters should address whether and, if so, to what extent existing equipment should be grandfathered if this proposal is adopted. In addition, commenters are

²⁸⁷ 47 C.F.R. § 80.215.

²⁸⁸ USCG Comments at 8.

²⁸⁹ 47 C.F.R. § 80.225.

²⁹⁰ USCG Comments at 22.

²⁹¹ RBAW Reply Comments at 1.

²⁹² SEA Comments at 4.

invited to address whether further amendments to Section 80.225 are warranted in light of continued revisions to DSC requirements being considered by both the ITU and the IEC.

8. Distress Call and Message Transmission Procedures

120. §§ 80.320-80.329. Sections 80.320 through 80.326 provide the radiotelephone and radiotelegraph distress call and message transmission procedures.²⁹³ Sections 80.327 through 80.329 describe urgency signals and messages, and safety signals.²⁹⁴ The Task Force recommends that these sections be edited to incorporate DSC and GMDSS procedures.²⁹⁵ We seek further comment on this proposal. At present, our distress call and message transmission procedures are consistent with international procedures. We expect that the ITU will soon address the issue of whether there is a continued need to have provisions in the international Radio Regulations that specify radiotelegraph distress call and message transmission procedures, and question whether we should await the results of the international deliberations before making any changes on this subject in our own rules. Interested parties who favor amending these rules, irrespective of the timing and outcome of ITU consideration of this matter, should propose specific language for the rules.

9. INMARSAT-E EPIRBs

121. INMARSAT-E EPIRBs transmit a distress signal to INMARSAT geostationary satellites which includes a registered identity similar to that of the 406.0-406.1 MHz EPIRB and a location derived from a GPS navigational satellite receiver inside the EPIRB. Operating in the 1.6 GHz frequency band, INMARSAT-E EPIRBs may be detected anywhere in the world between 70 degrees North latitude and 70 degrees South latitude. Since geostationary satellites are used, alerts are transmitted nearly instantly to a rescue coordination center associated with the INMARSAT coast earth station receiving the alert. The Task Force recommends that we amend our rules to permit the use of INMARSAT-E EPIRBs by U.S. vessels operating solely within the INMARSAT coverage footprint, provided that the INMARSAT-E EPIRB incorporates a 121.5 MHz homing capability, a strobe light, and an integral GPS receiver.²⁹⁶ The USCG has no objection to permitting the use of INMARSAT-E EPIRBs, provided that the INMARSAT-E EPIRB, alone or in conjunction with the system within which it functions,

- provides for locating (homing) on 121.5 MHz;
- includes a strobe light which complies with RTCM Recommended Standards for 406 MHz EPIRBs, Version 2.1, August 22, 2000;
- requires a suitable two-step means of activation which complies with the RTCM standard;
- if intended for automatic activation, is designed to operate automatically only when the beacon is both out of its mounting bracket and submerged in water, in compliance with the RTCM standard;
- is capable of providing regular non-manual position updates after the beacon floats free;
- has an associated registration database that fully complies with the data requirements of IMO Assembly Resolution A.887(21); and

²⁹³ 47 C.F.R. §§ 80.320-80.326.

²⁹⁴ 47 C.F.R. §§ 80.327-80.329.

²⁹⁵ Task Force Comments at 8.

²⁹⁶ *Id.* at 4.

- complies with IEC 61097-5 Ed. 1.0, Global maritime distress and safety system (GMDSS) – Part 5: INMARSAT-E EPIRB operating throughout the INMARSAT system – Operational and performance requirements, methods of testing and required test results.²⁹⁷

If we do authorize use of INMARSAT-E EPIRBs, the USCG adds, Section 80.1085(a)(6) of the Rules should be amended to mandate annual testing, as is required for 406.0-406.1 MHz EPIRBs.²⁹⁸ We invite comment on the Task Force and USCG proposals to authorize the use of INMARSAT-E EPIRBs. Interested parties should address whether the conditions set forth above are necessary and sufficient, and may suggest additional conditions.

10. Small Passenger Vessels

122. **§ 80.905(a).** In the *Notice*, the Commission proposed to amend Section 80.905(a)(1)-(4) to require that VHF and MF radios required in these sections be DSC-equipped.²⁹⁹ The USCG concurs but states that the class of DSC equipment needs to be specified.³⁰⁰ It specifically recommends that the DSC-equipped VHF radios described in this section meet ITU-R Rec. M.493 (series) Class A, B or D for VHF and Class A, B or E for MF. The Task Force agrees with the Commission's proposal and recommends that the upgrade to VHF-DSC occur within one year after the USCG declares Sea Area A1 operational and to MF-DSC within one year after the USCG declares Sea Area A2 operational.³⁰¹ This is a major change that would affect numerous passenger ships. We therefore seek further comment on whether these changes should be implemented. We are specifically concerned with whether such a rule would be appropriate given that DSC is GMDSS equipment, and small passenger vessels are not covered by our GMDSS rules.

123. Section 80.905(a)(3)(iii)(A) and (a)(4)(iii)(A) requires ships operating over one hundred nautical miles from shore to carry SSB radios.³⁰² The USCG recommends that newly fitted SSB radios required in these sections be DSC-equipped in accordance with ITU-R Rec. (series) M.493 Class A, B or E.³⁰³ It believes this requirement should be implemented because while ships operating on an HF receiver may not be able to reliably contact the USCG on these radios in an emergency due to a lack of coast stations receiving such transmissions, the USCG has implemented HF-DSC capability at various coast communications stations. With regard to vessels operating over two hundred nautical miles from shore, the Task Force does not believe such vessels should be permitted to use an SSB radio in lieu of the HF-DSC channels prescribed for GMDSS.³⁰⁴ We seek further comment on these changes for the same reasons applicable to our Section 80.905(a) proposal discussed above.

²⁹⁷ USCG Comments at 28.

²⁹⁸ *Id.*

²⁹⁹ *NPRM*, Appendix A, 15 FCC Rcd at 5984.

³⁰⁰ USCG Comments at 23.

³⁰¹ Task Force Comments at 9.

³⁰² 47 C.F.R. § 80.905(a)(3)(iii)(A), (4)(iii)(A).

³⁰³ USCG Comments at 23.

³⁰⁴ Task Force Comments at 9.

124. Section 80.905(a)(3)(iii)(B), (a)(4)(iii)(B) permits ships operating more than one hundred nautical miles from shore to carry INMARSAT ship earth stations instead of an SSB radio.³⁰⁵ The USCG recommends that this section be revised to limit the ship earth stations authorized under this section to INMARSAT A (existing units only), B, C or M.³⁰⁶ It reasons that such a requirement is necessary because the other INMARSAT units available for purchase do not have distress calling functions. We seek comment on this proposal.

125. Section 80.905(a)(3)(iv), (4)(iv) mandates vessels required to carry SSB radios to also carry reserve power supplies capable of powering SSB radios.³⁰⁷ In order to maintain consistency with changes to Section 80.1099, which deals with the testing of battery chargers, the USCG proposes the addition of the words “including the navigation receiver referred to in § 80.905(a)(5)” at the end of these subparagraphs.³⁰⁸ The USCG also proposes the addition of a new paragraph (a)(5) to Section 80.905, to state “All vessels must additionally meet the requirements of Section 80.1085(e).”³⁰⁹ It reasons that the same requirements for updating position information used in automated distress alerting systems proposed by the Commission in Section 80.1085 are applicable to this subpart as well. We seek public comment on these proposals, as such changes would impose a GMDSS requirement on these small passenger vessels.

11. GMDSS Rules

126. **§ 80.1073.** The USCG proposes that we add to Section 80.1073 a specific requirement that on passenger ships, at least one qualified person must be assigned to perform only radio communications duties during distress situations.³¹⁰ We invite comment on this proposal. We ask commenters to consider whether the proposed amendment is necessary in light of existing Section 80.1073(b)(1), which mandates that a qualified GMDSS radio operator be available to act as a dedicated radio operator in cases of distress on all ships subject to GMDSS requirements.³¹¹

127. **§ 80.1083.** Section 80.1083 provides the requirements for ship radio installations.³¹² The USCG recommends that we add the following requirements to this section, in order to incorporate new SOLAS regulations:³¹³

4. In passenger ships, a distress panel shall be installed at the conning position. This panel shall contain either one single button which, when pressed, initiates a distress alert using all radiocommunications installations required on board for that purpose or one button for each

³⁰⁵ 47 C.F.R. § 80.905(a)(3)(iii)(B), (4)(iii)(B).

³⁰⁶ USCG Comments at 24.

³⁰⁷ 47 C.F.R. § 80.905(a)(3)(iv), (4)(iv).

³⁰⁸ USCG Comments at 24.

³⁰⁹ *Id.*

³¹⁰ *Id.* at 15.

³¹¹ 47 C.F.R. § 80.1073(b)(1).

³¹² 47 C.F.R. § 80.1083.

³¹³ USCG Comments at 13-14.

individual installation. The panel shall clearly and visually indicate whenever any button or buttons have been pressed. Means shall be provided to prevent inadvertent activation of the button or buttons. If the satellite EPIRB is used as the secondary means of distress alerting and is not remotely activated, it shall be acceptable to have an additional EPIRB installed in the wheelhouse near the conning position.

5. In passenger ships, information on the ship's position shall be continuously and automatically provided to all relevant radiocommunications equipment to be included in the initial distress alert when the button or buttons on the distress panel is pressed.
6. In passenger ships, a distress alarm panel shall be installed at the conning position. The distress alarm panel shall provide visual and aural indication of any distress alert or alerts received on board and shall also indicate through which radiocommunication service the distress alerts have been received.

We tentatively agree, and seek comment on the proposed amendment to Section 80.1083 set forth in Appendix C.

128. **§ 80.1085.** The USCG proposes incorporating into Section 80.1085 the SOLAS requirement that every passenger ship be provided with means for two-way on-scene radiocommunications for search and rescue purposes using the aeronautical frequencies 121.5 and 123.1 MHz from the position from which the ship is normally navigated.³¹⁴ We tentatively agree with this recommendation, and seek comment on the proposed amendment to Section 80.1085 set forth in Appendix C.

12. Electronic Mail Requests

129. The Task Force recommends that we allow e-mail as a permitted mode for making official requests and reports required under Part 80 of our Rules.³¹⁵ We hereby solicit comments on this proposal. Interested persons should comment on whether we should allow such requests and, if so, specifically what types of requests should be allowed. They should also explain any basis for adopting such a rule for Part 80, instead of addressing the issue more broadly.

13. Tabular Listings of Part 80 Frequencies

130. We invite comment on whether we should continue our practice of listing carrier frequencies rather than assigned frequencies in the frequency tables in our Part 80 rules.³¹⁶ Although the carrier frequency is the frequency actually used by a licensee, the assigned frequency, which differs from the carrier frequency when emissions with a suppressed carrier are transmitted, is the frequency identified on the license. We are concerned that listing carrier frequencies alone may lead to some confusion. Commenters should address the relative benefits of listing carrier frequencies, assigned frequencies or both frequencies in the Part 80 tables.

³¹⁴ *Id.*

³¹⁵ Task Force Comments at 11.

³¹⁶ *See, e.g.*, 47 C.F.R. §§ 80.313, 80.374(b)(2), (c)(2), 80.379(a).

14. Examination Requirements for GMDSS Radio Operators

131. We propose to further modify our commercial radio operator license examination requirements for GMDSS operators. Currently, Section 13.203(a)(5) of the Rules provides that the written examination for Element 7, GMDSS radio operating practices, shall consist of 76 questions.³¹⁷ Based on our experience in updating the question pool for Element 7,³¹⁸ we believe a 100-question examination for Element 7 would provide a better assessment of whether applicants have the necessary breadth of knowledge to qualify as a GMDSS operator. We therefore propose to amend Section 13.203(a)(5) to mandate a 100-question examination for Element 7, and we invite comment on this proposal. We also invite suggestions regarding the appropriate number of questions for the written examination for new Element 7R that will be associated with the restricted GMDSS Radio Operator's License that we have established in this proceeding.³¹⁹ Commenters may also propose language to be included in Section 13.203 prescribing the matters to be covered by the Element 7R questions.

15. Cross-references

132. Finally, we note that Section 80.1103 of the Rules contains cross-references to Sections 2.975 and 2.983 of the Rules.³²⁰ Those Part 2 Rules were deleted, however, effective October 5, 1998.³²¹ We request comment on how we should revise Section 80.1103 to reflect the removal of Sections 2.975 and 2.983. In addition, we ask commenters to identify other rules in Part 80 that may have obsolete or inaccurate cross-references, and to suggest how those rules should be revised.

V. REGULATORY MATTERS

A. Ex Parte Rules - Permit-But-Disclose Proceeding

133. This is a permit-but-disclose notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in our Rules.³²²

B. Final Regulatory Flexibility Certification

134. The Regulatory Flexibility Act (RFA)³²³ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not,

³¹⁷ 47 C.F.R. § 13.203(a)(5).

³¹⁸ See Wireless Telecommunications Bureau Approves New Commercial Operator License Examination (COLE) Question Pool for Element 7 (Global Maritime Distress and Safety System (GMDSS) Radio Operating Procedures), *Public Notice*, 16 FCC Rcd 14466 (WTB 2001).

³¹⁹ See ¶ 13, *supra*.

³²⁰ 47 C.F.R. § 80.1103(b)-(c).

³²¹ See Amendment of Parts 2, 15, 18 and Other Parts of the Commission's Rules to Simplify and Streamline the Equipment Authorization Process for Radio Frequency Equipment, *Report and Order*, ET Docket No. 97-94, 13 FCC Rcd 11415, 11443 (1998).

³²² See generally 47 C.F.R. §§ 1.1202, 1.1203, 1.1206(a).

³²³ 5 U.S.C. § 603.

if promulgated, have a significant economic impact on a substantial number of small entities.”³²⁴ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”³²⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.³²⁶ A small business concern is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.³²⁷

135. The purpose of this *Report and Order and Further Notice of Proposed Rule Making* is to streamline and clarify our Rules under Parts 13 and 80 governing maritime communications. We believe that the rules adopted in the *Report and Order* do not impose any additional compliance burden on small entities regulated by the Commission.

136. We have identified those small entities that could conceivably be affected by the rule changes adopted herein. Small businesses in the aviation and marine radio services use a marine very high frequency (VHF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, a VHF aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not developed a definition of small entities specifically applicable to these small businesses. For purposes of this certification, therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) communications. This definition is that a “small entity” for purposes of public coast station licensees, a subgroup of marine radio users, is any entity employing 1,500 or fewer persons. 13 C.F.R. § 121.201, Standard Industrial Classification (SIC) Code 4812, now NAICS Code 513322). Since the size data provided by the Small Business Administration do not enable us to make a meaningful estimate of the number of marine radio service providers and users that are small businesses, we have used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that 12 radiotelephone firms out of a total of 1,178 such firms which operated in 1992 had at least 1,000 employees.

137. The adopted rules may also affect small businesses that manufacture marine radio equipment. The Commission has not developed a definition of small entities applicable to Radio Frequency Equipment Manufacturers (RF Manufacturers). Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to manufacturers of “Radio and Television Broadcasting and Communications Equipment.” According to the SBA regulations, an RF manufacturer must have 750 or fewer employees in order to qualify as a small business. 13 C.F.R. § 121.201, North American Industrial Classification System (NAICS) Code 33422. Census Bureau data indicate that there are 858 companies in the United States that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.

138. We anticipate that these rule changes will not impose any new burdens on small entities, but in fact will reduce regulatory and procedural burdens on small entities. For example, the incorporation by reference into our Rules of updated technical requirements for maritime radio equipment, *i.e.*, modified International Electrotechnical Commission (IEC) standards, can be expected to ultimately reduce compliance costs for ship owners and manufacturers because it avoids inconsistency

³²⁴ 5 U.S.C. § 605(b).

³²⁵ *Id.*

³²⁶ 5 U.S.C. § 601(3).

³²⁷ 5 U.S.C. § 632.

between domestic and international requirements, providing internationally recognized criteria and test procedures for certification of GMDSS equipment.³²⁸ Moreover, to mitigate any potential compliance burden on manufacturers and ship owners that could stem from a sudden change in the standards, we established grandfathering provisions that allow the installation of equipment meeting the old standards for a significant period of time after the effective date of these rules.³²⁹ More broadly speaking, the general effect of the rule changes adopted herein is to streamline the rules, remove duplicative requirements, provide greater operational flexibility, promote spectrum efficiency, and make our rules consistent with international requirements, all of which are measures that should have an overall beneficial effect on the regulated entities.³³⁰ We certified in the *Notice of Proposed Rule Making* in this proceeding that the rules proposed therein will not, if promulgated, have a significant economic impact upon a substantial number of small entities, as that term is defined by the RFA,³³¹ and no party has challenged or otherwise commented on that certification.³³²

139. We therefore certify that the requirements of this *Report and Order* will not have a significant economic impact upon a substantial number of small entities, as that term is defined by the RFA.

140. The Commission will send a copy of this *Report and Order*, including a copy of this final certification, in a report to Congress pursuant to the Congressional Review Act.³³³ In addition, the *Report and Order* and this final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the Federal Register.³³⁴

³²⁸ See ¶ 38, *supra*.

³²⁹ *Id.*

³³⁰ See, e.g., ¶ 42, *supra* (eliminating unnecessary rules regarding ship radiotelephone and radar installations, and conforming those that remain to the international requirements); ¶ 44, *supra* (permitting J2B and J2D emissions in the HF band to increase operational flexibility and spectrum efficiency); ¶¶ 52-54, *supra* (providing regulatory relief with respect to small passenger vessels by permitting the installation of portable VHF-DSC radios and by extending the existing GMDSS exemption for such vessels to one year after the USCG declares Sea Areas A1 and A2.); ¶¶ 69, 72, *supra* (removing obsolete rules).

³³¹ *NPRM*, 15 FCC Rcd at 5964.

³³² Although their comments did not specifically address the certification of no significant impact in the *NPRM*, the Alaska Fishing Fleet did argue that requiring fishing vessels to comply with certain GMDSS equipment requirements would impose an unnecessary economic burden. Alaska Fishing Fleet Comments at 1. We note that the Alaska Fishing Fleet did not attempt to quantify the costs of this burden, and that their argument that this is an undue burden is premised largely on their contention that requiring fishing vessel compliance with these requirements would not promote safety, an argument that we have squarely rejected. See ¶¶ 9-10, *supra*. Finally, and most importantly, these requirements were imposed in 1992, not in the instant rulemaking. See Amendment of Parts 13 and 80 of the Commission's Rules to Implement the Global Maritime Distress and Safety System (GMDSS) to Improve the Safety of Life at Sea, *Report and Order*, PR Docket No. 90-480, 7 FCC Rcd 951 (1992).

³³³ See 5 U.S.C. § 801(a)(1)(A).

³³⁴ See 5 U.S.C. § 605(b).

141. To fully ensure that potential compliance burdens on small entities are fully explored, however, we have determined not to act immediately on certain proposals set forth in the *NPRM* or raised by commenters, but instead to seek further comment on those proposals. These matters are discussed in the *Further Notice of Proposed Rule Making*.³³⁵ Appendix D contains an Initial Regulatory Flexibility Analysis (IRFA) with respect to the *Further Notice of Proposed Rule Making*. As required by the RFA, the Commission has prepared an analysis of the possible impact on small entities of the proposed rules set forth in this document. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Further Notice of Proposed Rule Making*, but they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this *Further Notice of Proposed Rule Making*, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with the Regulatory Flexibility Act.

C. Comment Dates

142. Pursuant to Sections 1.415 and 1.419 of our Rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before [90 days after Federal Register publication] and reply comments on or before [120 days after Federal Register publication]. Comments may be filed using the Commission's Electronic Filing System (ECFS) or by filing paper copies.³³⁶

143. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be addressed to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th St., S.W., Washington, D. C. 20554. Filings can be sent first class by the U.S. Postal Service, by an overnight courier or hand and message-delivered. Hand and message-delivered paper filings must be delivered to 236 Massachusetts Avenue, N.E., Suite 110, Washington, DC 20002. Overnight courier (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

144. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to: Jeffrey Tobias, Esq., Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th St., S.W., Room 2-C828, Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Microsoft Word 97 or compatible software. The diskette should be accompanied by a cover letter and

³³⁵ The *Further Notice of Proposed Rule Making* is not confined to such issues regarding the economic impact of the proposals on the affected entities, but rather also seeks comment on other issues pertaining to the proposals.

³³⁶ See Electronic Filing of Documents in Rulemaking Proceedings, *Report and Order*, GC Docket No. 97-113, 13 FCC Rcd 11322 (1998).

should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the lead docket number in this case, WT Docket No. 00-48), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase "Disk Copy - Not an Original." Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters should send diskette copies to the Commission's copy contractor, Qualex International, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20054.

D. Paperwork Reduction Act

145. This *Report and Order and Further Notice of Proposed Rule Making* does not contain any new or modified information collection.

E. Ordering Clauses

146. Accordingly, IT IS ORDERED that, pursuant to the authority of Sections 4(i), 303(r), and 332(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 332(a)(2), Parts 2, 13 and 80 of the Commission's Rules ARE AMENDED as set forth in the attached Appendix B, effective sixty days after publication in the Federal Register.

147. IT IS FURTHER ORDERED that, pursuant to Sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r) and 403, this *Further Notice of Proposed Rule Making* IS HEREBY ADOPTED, and NOTICE IS HEREBY GIVEN of the proposed regulatory changes described in the *Further Notice of Proposed of Rule Making* and contained in Appendix C.

148. IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order and Further Notice of Proposed Rule Making*, including the Regulatory Flexibility Certification and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

F. Further Information

149. For further information, contact Jeffrey Tobias, jtobias@fcc.gov, or Ghassan Khalek, gkhalek@fcc.gov, Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418-0680, or TTY (202) 418-7233.

150. Alternative formats (computer diskette, large print, audiocassette and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426, TTY (202) 418-7365, or at bmillin@fcc.gov. This *Report and Order and Further Notice of Proposed Rule Making* can also be downloaded at: <http://www.fcc.gov/dtf/>.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting

Secretary

APPENDIX A**Parties Submitting Comments and Reply Comments in WT Docket No. 00-48**

The following list contains the names of parties filing comments and reply comments in response to the Notice of Proposed Rule Making in WT Docket No. 00-48

Comments

Owen Anderson (Anderson)
Alaska Fishing Fleet
Globalstar, L.P. (Globalstar)
Globe Wireless, Inc. (Globe)
Maritel, Inc. (Maritel)
National GMDSS Implementation Task Force (Task Force)
National Oceanic and Atmospheric Administration (NOAA)
Radio Technical Commission for Maritime Services (RTCM)
Recreational Boating Association of Washington (RBAW)
SEA Inc. of Delaware (SEA)
Tideland Signal Corporation (Tideland)
Trident Seafoods Corporation (Trident)
United States Coast Guard (USCG)

Reply Comments

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APPENDIX B**Final Rules**

Chapter I of Title 47 of the Code of Federal Regulations, Parts 2, 13 and 80, is amended as follows:

I. PART 2 – FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for Part 2 continues to read as follows:

AUTHORITY: 47 U.S.C. §§ 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106 is amended by revising footnote US296 to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

US296 In the bands designated for ship wide-band telegraphy, facsimile and special transmission systems, the following assignable frequencies are available to non-Federal Government stations on a shared basis with Federal Government stations: 2070.5 kHz, 2072.5 kHz, 2074.5 kHz, 2076.5 kHz, 4154 kHz, 4170 kHz, 6235 kHz, 6259 kHz, 8302 kHz, 8338 kHz, 12370 kHz, 12418 kHz, 16551 kHz, 16615 kHz, 18848 kHz, 18868 kHz, 22182 kHz, 22238 kHz, 25123 kHz, and 25159 kHz.

* * * * *

II. PART 13 -- COMMERCIAL RADIO OPERATORS

1. The authority citation for Part 13 continues to read as follows:

AUTHORITY: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 13.7 is amended by revising paragraph (b), redesignating paragraph (b)(9) as (b)(10), and adding a new paragraph (b)(9) to read as follows:

§ 13.7 Classification of operator licenses and endorsements.

* * * * *

(b) There are ten types of commercial radio operator licenses, certificates and permits (licenses). The license's ITU classification, if different from its name, is given in parentheses.

* * * * *

(9) Restricted GMDSS Radio Operator's License (restricted operator's certificate).

* * * * *

3. Section 13.9 is amended by revising paragraphs (b)(1) and (c) to read as follows:

§ 13.9 Eligibility and application for new license or endorsement.

* * * * *

(b)(1) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, Six Months Service Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License and GMDSS Radio Operator/Maintainer must be filed on FCC Form 605 in accordance with § 1.913 of this chapter.

* * * * *

(c) Each application for a new General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Ship Radar Endorsement, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License must be accompanied by the required fee, if any, and submitted in accordance with § 1.913 of this chapter. The application must include an original PPC(s) from a COLEM(s) showing that the applicant has passed the necessary examinations element(s) within the previous 365 days when the applicant files the application. If a COLEM files the application electronically on behalf of the applicant an original PPC(s) is not required. However, the COLEM must keep the PPC(s) on file for a period of 1 year.

* * * * *

4. Section 13.13 is amended by revising paragraph (a), redesignating paragraph (d) as (e), and adding a new paragraph (d) to read as follows:

§ 13.13 Application for a renewed or modified license.

(a) Each application to renew a First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, Marine Radio Operator Permit, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator's License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer License must be made on FCC Form 605. The application must be accompanied by the appropriate fee and submitted in accordance with § 1.913 of this chapter.

* * * * *

(d) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person holding a General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer license, who has an application for another commercial radio operator license which has not yet been acted upon pending at the FCC and who holds a PPC(s) indicating that he or she passed the necessary examination(s) within the previous 365 days, is authorized to exercise the rights and privileges of the license for which the application is filed. This temporary conditional operating authority is valid for a period of 90 days from the date the application is received. This temporary conditional operating authority does not relieve the licensee of the obligation to comply with the certification requirements of the Standards of Training, Certification and Watchkeeping (STCW) Convention. The FCC, in its discretion, may cancel this temporary conditional operating authority without a hearing.

* * * * *

5. Section 13.17 is amended by revising paragraph (b) to read as follows:

§ 13.17 Replacement license.

* * * * *

(b) Each application for a replacement General Radiotelephone Operator License, Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, GMDSS Radio Operator's License, Restricted GMDSS Radio Operator License, GMDSS Radio Maintainer's License, or GMDSS Radio Operator/Maintainer license must be made on FCC Form 605 and must include a written explanation as to the circumstances involved in the loss, mutilation, or destruction of the original document.

* * * * *

6. Section 13.201 is amended by redesignating paragraphs (b)(7) and (b)(8) as (b)(8) and (b)(9), revising paragraph (b)(6), and adding a new paragraph (b)(7) to read as follows:

§ 13.201 Qualifying for a commercial operator license or endorsement.

* * * * *

(b) * * * * *

(6) GMDSS Radio Operator's License: Written Elements 1 and 7, or a Proof of Passing Certificate (PPC) issued by the United States Coast Guard or its designee representing a certificate of competency from a Coast Guard-approved training course for a GMDSS endorsement.

(7) Restricted GMDSS Radio Operator License: Written Elements 1 and 7R, or a Proof of Passing Certificate (PPC) issued by the United States Coast Guard or its designee representing a certificate of competency from a Coast Guard-approved training course for a GMDSS endorsement.

III. PART 80 -- STATIONS IN THE MARITIME SERVICES

1. The authority citation for Part 80 continues to read as follows:

AUTHORITY: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.5 is amended by adding an entry for INMARSAT in alphabetical order and revising the entries for Digital selective calling, Distress signal, Distress traffic, Inland waters, Maritime mobile service identities (MMSI), Safety signal, and Urgency signal to read as follows:

§ 80.5 Definitions.

* * * * *

Digital selective calling (DSC). A synchronous system developed by the International Telecommunication Union Radiocommunication (ITU-R) Sector, used to establish contact with a station or group of stations automatically by means of radio. The operational and technical characteristics of this system are contained in Recommendations ITU-R M.493-10 and ITU-R M.541-8. (See subpart W of this part.)

* * * * *

Distress signal. The distress signal is a digital selective call using an internationally recognized distress call format in the bands used for terrestrial communication or an internationally recognized distress message format, in which case it is relayed through space stations, which indicates that a person, ship, aircraft, or other vehicle is threatened by grave and imminent danger and requests immediate assistance

(1) In radiotelephony, the international distress signal consists of the enunciation of the word “Mayday”, pronounced as the French expression “m’aider”. In case of distress, transmission of this particular signal is intended to ensure recognition of a radiotelephone distress call by stations of any nationality.

(2) For GMDSS, distress alerts result in an audible alarm and visual indication that a ship or person is threatened by grave and imminent danger and requests immediate assistance. These automatic systems contain sufficient information in the distress alert message to identify the vessel, prepare to assist and begin a search. However, except when transmitted via satellite EPIRB, the distress alert is just the initial call for help. Communication between the vessel or person in distress and the Rescue Coordination Center (RCC) or ship assisting should always follow.

Distress traffic. Distress traffic consists of all messages relating to the immediate assistance required by a person, ship, aircraft, or other vehicle in distress, including search and rescue communications and on-scene communications.

* * * * *

Inland Waters. This term, as used in reference to waters of the United States, its territories and possessions, means waters that lie landward of the boundary lines of inland waters as contained in 33

CFR 80.01, as well as waters within its land territory, such as rivers and lakes, over which the United States exercises sovereignty.

INMARSAT. INMARSAT Ltd. is a private commercial company licensed in the United Kingdom.

* * * * *

Maritime mobile service identities (MMSI). An international system for the identification of radio stations in the maritime mobile service. The system is comprised of a series of nine digits which are transmitted over the radio path to uniquely identify ship stations, ship earth stations, coast stations, coast earth stations and groups of stations.

* * * * *

Safety signal. (1) * * * * *

(4) For GMDSS, safety calls result in an audible alarm and visual indication that the station sending this signal has a very urgent message to transmit concerning the safety of navigation or giving important meteorological warnings.

* * * * *

Urgency signal. (1) * * * * *

(4) For GMDSS, urgency calls result in an audible alarm and visual indication that the station sending this signal has a very urgent message to transmit concerning the safety of a ship, aircraft, or other vehicle, or of some person on board or within sight.

* * * * *

3. Section 80.15 is amended by deleting paragraph (e)(1), redesignating paragraphs (e)(2) and (e)(3) as (e)(1) and (e)(2), and revising redesignated paragraph (e)(1) to read as follows:

§ 80.15 Eligibility for station license.

* * * * *

(e) EPIRB stations.

(1) Class A or Class B EPIRB stations will be authorized for use on board the following types of vessels until December 31, 2006:

* * * * *

4. Section 80.51 is amended by deleting paragraph (a), redesignating paragraph (b) as the sole undesignated paragraph of this section, and revising the paragraph to read as follows:

§ 80.51 Ship earth station licensing.

A ship earth station authorized to operate in the INMARSAT space segment must display the Commission license in conjunction with the commissioning certificate issued by the INMARSAT Organization. Notwithstanding the requirements in this paragraph, ship earth stations can operate in the INMARSAT space segment without an INMARSAT issued commissioning certificate provided an appropriate written approval is obtained from the INMARSAT Organization in addition to the Commission's license.

* * * * *

5. Section 80.59 is amended by revising paragraph (c)(1)(x)(C) to read as follows:

§ 80.59 Compulsory ship inspections.

* * * * *

(c) * * * * *

(1) * * * * *

(x) * * * * *

(C) Category 1, 406.0-406.1 MHz EPIRB (GMDSS approved);

* * * * *

6. Section 80.67 is amended by revising paragraph (b) to read as follows:

§ 80.67 General facilities requirements for coast stations.

* * * * *

(b) All coast stations that operate telephony on frequencies in the 1605-3500 kHz band must be able to transmit and receive using J3E emission on the frequency 2182 kHz and at least one working frequency in the band.

7. Section 80.89 is amended by deleting paragraph (e) and redesignating paragraphs (f) and (g) as paragraphs (e) and (f).

8. Section 80.91 is amended to read as follows:

§ 80.91 Order of priority of communications.

(a) All stations in the maritime mobile service and the maritime mobile-satellite service shall be capable of offering four levels of priority in the following order:

- (1) Distress calls, distress messages, and distress traffic.
- (2) Urgency communications.
- (3) Safety communications.

(4) Other communications.

(b) In a fully automated system, where it is impracticable to offer all four levels of priority, category 1 shall receive priority until such time as intergovernmental agreements remove exemptions granted for such systems from offering the complete order of priority.

9. Section 80.93 is amended by redesignating paragraph (d) as paragraph (e), adding a new paragraph (d), and revising paragraph (c) to read as follows:

§ 80.93 Hours of service.

* * * * *

(c) Compulsory ship stations. (1) Compulsory ship stations whose service is not continuous may not suspend operation before concluding all traffic originating in or destined for public coast stations situated within their range and mobile stations which have indicated their presence.

(2) For GMDSS ships, radios shall be turned on and set to proper watch channels while ships are underway. If a ship has duplicate GMDSS installations for DSC or INMARSAT, only one of each must be turned on and keeping watch.

* * * * *

(d) Ships Voluntarily Fitting GMDSS Subsystems. For ships voluntarily fitting GMDSS subsystems, radios shall be turned on and set to proper watch channels while ships are underway. If ship has duplicate GMDSS installations for DSC or INMARSAT, only one of each must be turned on and keeping watch.

(e) Other than public coast or compulsory ship stations. The hours of service of stations other than those described in paragraphs (b), (c), and (d) of this section are determined by the station licensee.

10. Section 80.101 is amended by revising paragraphs (b) and (c) to read as follows:

§ 80.101 Radiotelephone testing procedures.

* * * * *

(b) Testing of transmitters must be confined to single frequency channels on working frequencies. However, 2182 kHz and 156.800 MHz may be used to contact ship or coast stations as appropriate when signal reports are necessary. Short tests on 4215 MHz are permitted by vessels equipped with MF/HF radios to evaluate the compatibility of the equipment for distress and safety purposes. U.S. Coast Guard stations may be contacted on 2182 kHz or 156.800 MHz for test purposes only when tests are being conducted by Commission employees, when FCC-licensed technicians are conducting inspections on behalf of the Commission, when qualified technicians are installing or repairing radiotelephone equipment, or when qualified ship's personnel conduct an operational check requested by the U.S. Coast Guard. In these cases the test must be identified as "FCC" or "technical."

(c) Survival craft transmitter tests must not be made within actuating range of automatic alarm receivers.

11. Section 80.102 is amended by redesignating paragraph (e) as paragraph (f) and adding a new paragraph (e) to read as follows:

§ 80.102 Radiotelephone station identification.

* * * * *

(e) Voice traffic in the INMARSAT system is closed to other parties except the two stations involved and the identification is done automatically with the establishment of the call. Therefore, it is not necessary for these stations to identify themselves periodically during the communication. For terrestrial systems using DSC to establish radiotelephone communications, the identification is made at the beginning of the call. In these cases, both parties must identify themselves by ship name, call sign or MMSI at least once every 15 minutes during radiotelephone communications.

12. Section 80.103 is revised to read as follows:

§ 80.103 Digital selective calling (DSC) operating procedures.

(a) Operating procedures for the use of DSC equipment in the maritime mobile service are as contained in ITU-R Recommendation M.541-8 and subpart W of this part.

(b) When using DSC techniques, coast stations and ship stations must use maritime mobile service identities (MMSI) assigned by the Commission or its designees.

(c) DSC acknowledgement of DSC distress and safety calls must be made by designated coast stations and such acknowledgement must be in accordance with procedures contained in ITU-R Recommendation M.541-8. Nondesignated public and private coast stations must follow the guidance provided for ship stations in ITU-R Recommendation M.541-8 with respect to DSC "Acknowledgement of distress calls" and "Distress relays." (See subpart W of this part.)

(d) Group calls to vessels under the common control of a single entity are authorized. A group call identity may be created from an MMSI ending in a zero, assigned to this single entity, by deleting the trailing zero and adding a leading zero to the identity.

13. Section 80.116 is amended by removing paragraph (h).

14. Section 80.141 is amended by revising paragraph (c) to read as follows:

§ 80.141 General provision for ship stations.

* * * * *

(c) Service requirements for vessels. Each ship station provided for compliance with Part II of Title III of the Communications Act must provide a public correspondence service on voyages of more than 24 hours for any person who requests the service. Compulsory radiotelephone ships must provide this service for at least four hours daily. The hours must be prominently posted at the principal operating location of the station.

* * * * *

15. Section 80.142 is amended by revising paragraph (b) to read as follows:

§ 80.142 Ships using radiotelegraphy.

(a) * * * * *

- (b) NB-DP operating procedure. The operation of NB-DP equipment in the maritime mobile service must be in accordance with the operating procedures contained in the latest version of ITU-R Recommendation 492 that does not prevent the use of existing equipment.

* * * * *

16. Section 80.143 is amended by revising paragraph (a) to read as follows:

§ 80.143 Required frequencies for radiotelephony.

(a) Except for compulsory vessels, each ship radiotelephone station licensed to operate in the band 1605-3500 kHz must be able to receive and transmit J3E emission on the frequency 2182 kHz. Ship stations are additionally authorized to receive and transmit H3E emission for communications with foreign coast stations and with vessels of foreign registry. If the station is used for other than safety communications, it must be capable also of receiving and transmitting the J3E emission on at least two other frequencies in that band. However, ship stations which operate exclusively on the Mississippi River and its connecting waterways, and on high frequency bands above 3500 kHz, need be equipped with 2182 kHz and one other frequency within the band 1605-3500 kHz.

* * * * *

17. Section 80.145 is removed and reserved.

§ 80.145 [Reserved]

18. Section 80.146 is removed and reserved.

§ 80.146 [Reserved]

19. Section 80.148 is amended by removing paragraph (c) and revising the introductory text to read as follows:

§ 80.148 Watch on 156.8 MHz (Channel 16).

Until February 1, 2005, each compulsory vessel, while underway, must maintain a watch for radiotelephone distress calls on 156.800 MHz whenever such station is not being used for exchanging communications. For GMDSS ships, 156.525 MHz is the calling frequency for distress, safety, and general communications using digital selective calling and the watch on 156.8 MHz is provided so that ships not fitted with DSC will be able to call GMDSS ships, thus providing a link between GMDSS and non-GMDSS compliant ships. The watch on 156.800 MHz is not required:

* * * * *

20. Section 80.151 is amended by adding new paragraphs (b)(7) and (b)(8) to read as follows:

§ 80.151 Classification of operator licenses and endorsements.

* * * * *

(b) * * * * *

(7) GOL. GMDSS Radio Operator License (General Operator's Certificate).

(8) ROL. Restricted GMDSS Radio Operator License (Restricted Operator's Certificate).

* * * * *

21. Section 80.159 is amended by redesignating paragraph (d) as paragraph (e) and adding a new paragraph (d) to read as follows:

§ 80.159 Operator requirements of Title III of the Communications Act and the Safety Convention.

* * * * *

(d) Each passenger ship equipped with a GMDSS installation in accordance with subpart W of this part shall carry at least two persons holding an appropriate GMDSS Radio Operator License or, if the passenger ship operates exclusively within twenty nautical miles of shore, at least two persons holding either a GMDSS Radio Operator License or a Restricted GMDSS Radio Operator License, as specified in § 13.7 of this chapter.

* * * * *

22. Section 80.165 is revised to read as follows:

§ 80.165 Operator requirements for voluntary stations.

<u>Minimum operator license</u>	
Ship Morse telegraph.....	T-2.
Ship direct-printing telegraph.....	MP.
Ship telephone, with or without DSC, more than 250 watts carrier power or 1,000 watts peak envelope power.....	G.
Ship telephone, with or without DSC, not more than 250 watts carrier power or 1,000 watts peak envelope power.....	MP.
Ship telephone, with or without DSC, not more than 100 watts carrier power or 400 watts peak envelope power:	
Above 30 MHz.....	None.\ ¹
Below 30 MHz.....	RP.
Ship earth station.....	RP.

\1\ RP required for compulsory ships and international voyages.

* * * * *

23. Section 80.179 is amended by revising paragraph (e)(1) to read as follows:

§ 80.179 Unattended operation.

* * * * *

(e) * * *

(1) The equipment must be using DSC in accordance with ITU-R Recommendations 493-10 and 541-8 as modified by this section.

* * * * *

24. Section 80.203 is amended by removing and reserving paragraph (e) and revising paragraph (g) to read as follows:

* * * * *

§ 80.203 Authorization of transmitters for licensing.

* * * * *

(e) Reserved.

* * * * *

(g) Manufacturers of ship earth station transmitters intended for use in the INMARSAT space segment must comply with the verification procedures given in part 2 of this chapter. Such equipment must be verified in accordance with the technical requirements provided by INMARSAT and must be type approved by INMARSAT for use in the INMARSAT space segment. The ship earth station input/output parameters, the data obtained when the equipment is integrated in system configuration and the pertinent method of test procedures that are used for type approval of the station model which are essential for the compatible operation of that station in the INMARSAT space segment must be disclosed by the manufacturer upon request of the FCC. Witnessing of the type approval tests and the disclosure of the ship earth station equipment design or any other information of a proprietary nature will be at the discretion of the ship earth station manufacturer.

* * * * *

25. Section 80.205 is amended by adding an entry to the table in paragraph (a) between J2C and J3C to read as follows:

§ 80.205 Bandwidths.

Class of emission	Emission designator	Authorized bandwidth (kHz)
-------------------	---------------------	----------------------------

*** J2D ¹⁴ *****	*** 2K80J2D *****	*** 3.0 *****
---	-------------------------	---------------------

¹⁴ The information is contained in multiple very low level subcarriers.

26. Section 80.207 is amended by revising paragraph (d) to read as follows:

§ 80.207 Classes of emission.

(d) The authorized classes of emission are as follows:

Types of stations	Classes of emission
Ship Stations ¹ Radiotelegraphy: ***** 1605-27500 kHz: Manual ^{15 16 17} DSC ¹⁶ NB-DP ^{14 16} *** Radiotelephony: 1605-27500 kHz ^{5 16} *** Land Stations ¹ Radiotelegraphy: ***** 4000-27500 kHz: Manual ¹⁶ DSC ¹⁸ NB-DP ^{14 18} *** Alaska--Fixed ^{17 18} *** Radiotelephony: 1605-27500 kHz ^{18 19} ***** Distress, Urgency and Safety ^{8 9} 2182 kHz ^{10 11} 121.500 MHz ***	A1A, J2A, J2B, J2D F1B, J2B F1B, J2B, J2D *** H3E, J2D, J3E, R3E A1A, J2A, J2B, J2D F1B, J2B F1B, J2B, J2D *** A1A, A2A, F1B, F2B, J2B, J2D H3E, J2D, J3E, R3E A2B, A3B, H2B, H3E, J2B and J3E A3E, A3X, N0N

¹ Excludes distress, EPIRBs, survival craft, and automatic link establishment.

* * * * *

⁵ Transmitters type accepted prior to December 31, 1969, for emission H3E, J3E, and R3E and an authorized bandwidth of 3.5 kHz may continue to be operated. These transmitters will not be authorized in new installations.

* * * * *

⁸ For direction finding requirements see § 80.375.

⁹ Includes distress emissions used by ship, coast, EPIRBs and survival craft stations.

¹⁰ On 2182 kHz A1B, A2B, H2B and J2B emissions indicate transmission of the auto alarm signals.

¹¹ Ships on domestic voyages must use J3E emission only.

* * * * *

¹⁴ NB-DP operations which are not in accordance with ITU-R Recommendation 625 or 476 are permitted to utilize any modulation, so long as emissions are within the limits set forth in § 80.211(f) of this chapter.

¹⁵ J2B is permitted only on 2000-27500 kHz.

¹⁶ J2D is permitted only on 2000-27500 kHz, and ship stations employing J2D emissions shall at no time use a peak envelope power in excess of 1.5 kW per channel.

¹⁷ J2B and J2D are permitted provided they do not cause harmful interference to A1A.

¹⁸ Coast stations employing J2D emissions shall at no time use a peak envelope power in excess of 10 kW per channel.

¹⁹ J2D is permitted only on 2000-27500 kHz.

* * * * *

27. Section 80.209 is amended by revising the table in paragraph (a) to read as follows.

§ 80.209 Transmitter frequency tolerances.

(a) * * * * *

(1) * * * * *	
(ii) Ship stations:	
For transmitters with narrow-band direct printing and data emissions	20 Hz.
For transmitters with digital selective calling emissions	10 Hz. ²
For all other transmitters.....	10 Hz.
(iii) Ship stations for emergency only:	
For all emissions	20 Hz.
(iv) Survival craft stations:	
For all emissions	20 Hz.

* * *

² The frequency tolerance for narrow-band direct printing and data transmitters installed before January 2, 1992, is 15 Hz for coast stations and 20 Hz for ship stations. The frequency tolerance for narrow-band direct printing and data transmitters approved or installed after January 1, 1992, is 10 Hz.

³ [Reserved]

* * *

⁵ [Reserved]

* * * * *

28. Section 80.213 is amended by revising paragraphs (h) and (i) to read as follows:

§ 80.213 Modulation requirements.

* * * * *

(h) Radar transponder coast stations using the 2900-3100 MHz or 9300-9500 MHz band must operate in a variable frequency mode and respond on their operating frequencies with a maximum error equivalent to 100 meters. Additionally, their response must be encoded with a Morse character starting with a dash. The duration of a Morse dot is defined as equal to the width of a space and 1/3 of the width of a Morse dash. The duration of the response code must not exceed 50 microseconds. The sensitivity of

the stations must be adjustable so that received signals below -10 dBm at the antenna will not activate the transponder. Antenna polarization must be horizontal when operating in the 9300-9500 MHz band and either horizontal or both horizontal and vertical when operating in the 2900-3100 MHz band. Racons using frequency agile transmitting techniques must include circuitry designed to reduce interference caused by triggering from radar antenna sidelobes.

(i) Variable frequency ship station transponders operating in the 2900-3100 MHz or 9300-9500 MHz band that are not used for search and rescue purposes must meet the following requirements:

(1) * * * * *

(vii) Antenna polarization must be horizontal when operating in the 9300-9500 MHz band and either horizontal or both horizontal and vertical when operating in the 2900-3100 MHz band.

* * * * *

29. Section 80.215 is amended by removing paragraph (g)(2), redesignating paragraphs (g)(3) to (g)(5) as (g)(2) to (g)(4), revising paragraphs (c)(1), (e)(1) and (g)(1)-(3) to read as follows:

§ 80.215 Transmitter power.

* * * * *

c) Coast station frequencies above 27500 kHz. The maximum power must not exceed the values listed below.

(1) Coast stations:

156-162 MHz--50W ^{1, 2, 13}

216-220 MHz ²

* * * * *

(e) Ship stations frequencies above 27500 kHz. The maximum power must not exceed the values listed below.

(1) Ship stations 156-162 MHz--25W ^{6 13}

Marine utility stations and hand-held portable transmitters: 156-162 MHz--10W

¹ Maximum authorized power at the input terminals of the station antenna.

² See paragraph (h) of this section.

* * *

⁶ Reducible to 1 watt or less, except for transmitters limited to public correspondence channels and used in an automated system.

* * *

¹² The frequencies 156.375 MHz and 156.650 MHz are primarily intership frequencies. When authorized for coast stations on a secondary basis, the normal output power must not exceed 1 watt and the

maximum output power must not exceed 10 watts.

¹³ The frequencies 156.775 and 156.825 MHz are available for navigation-related port operations or ship movement only, and all precautions must be taken to avoid harmful interference to channel 16. Transmitter output power is limited to 1 watt for ship stations, and 10 watts for coast stations.

(g) * * * * *

(1) All transmitters and remote control units must be capable of reducing the carrier power to one watt or less;

(2) Except as indicated in (3) of this paragraph, all transmitters manufactured after January 21, 1987, or in use after January 21, 1997, must automatically reduce the carrier power to one watt or less when the transmitter is tuned to 156.375 MHz or 156.650 MHz, and must be provided with a manual override switch which when held by an operator will permit full carrier power operation on 156.375 MHz and 156.650 MHz;

(3) Hand-held portable transmitters are not required to comply with the automatic reduction of carrier power in (g)(2) of this section; and

* * * * *

30. Section 80.219 is amended to read as follows:

§ 80.219 Special requirements for narrow-band direct-printing (NB-DP) equipment.

NB-DP and data transmission equipment installed in ship and coast stations before October 1, 1990, that operates on the frequencies in the 4,000-27,500 kHz bands must be capable of operation in accordance with the technical requirements of either ITU-R Recommendation 476 or ITU-R Recommendation 625 and may be used indefinitely. Equipment installed on or after October 1, 1990, must be capable of operation in accordance with the technical requirements of ITU-R Recommendation 625. NB-DP and data transmission equipment are additionally permitted to utilize any modulation, so long as emissions are within the limits set forth in § 80.211(f) and the equipment is also capable of operation in accordance with ITU-R Recommendation 625.

* * * * *

31. Section 80.223 is revised to read as follows:

§ 80.223 Special requirements for survival craft stations.

(a) Survival craft stations capable of transmitting on:

(1) 2182 kHz must be able to operate with A2B and A3E or H2B and H3E and J2B and J3E emissions;

(2) 121.500 MHz must be able to operate with A3E or A3N emission.

(b) Survival craft stations must be able to receive the frequency and types of emission which the transmitter is capable of using.

(c) Any EPIRB carried as part of a survival craft must comply with the specific technical and performance requirements for its class contained in subpart V of this chapter.

32. Section 80.225 is amended by revising the introductory paragraph and paragraphs (a) and (c)(2) to read as follows:

§80.225 Requirements for selective calling equipment.

This section specifies the requirements for voluntary digital selective calling (DSC) equipment and selective calling equipment installed in ship and coast stations. Reference to any ITU-R Recommendation in this section is to the most recent ITU-R approved Recommendation that does not prevent the use of existing equipment.

(a) DSC equipment voluntarily installed in coast or ship stations must meet either the requirements of ITU-R Recommendation 493-10 (including only equipment classes A, B, D, and E) or RTCM Paper 56-95/SC101-STD. DSC equipment must not be used with the sensors referred to in §80.179(e)(2). DSC equipment used on compulsorily fitted ships must meet the requirements contained in Subpart W for GMDSS.

* * * * *

(c) * * *

(2) Equipment used to perform a selective calling function during narrow-band direct-printing (NB-DP) operations in accordance with ITU-R Recommendation 476 or 625, and

* * * * *

33. Section 80.251 is amended by revising paragraph (a) to read as follows:

§ 80.251 Scope.

(a) This subpart gives the general technical requirements for certification of equipment used on compulsory ships. Such equipment includes automatic-alarm-signal keying devices, survival craft radio equipment, watch receivers, and radar.

* * * * *

34. Sections 80.253, 80.255, 80.257, 80.259, 80.261, 80.263, 80.265, and 80.267 are removed.

35. Section 80.269 is amended by revising paragraphs (b)(1) and (b)(2) to read as follows:

§ 80.269 Technical requirements for radiotelephone distress frequency watch receiver.

* * * * *

(b) * * * * *

(1) The receiver must be capable of being switched to 2182 kHz and of receiving signals of at least A2A and A2B emissions;

(2) The receiver sensitivity must provide a SINAD of 20 dB at the audio output when a 30 microvolt signal with A2A or A2B emission modulated 30% at 400 Hz is applied to the receiver RF terminals;

36. Section 80.273 is revised to read as follows:

§ 80.273 Technical requirements for radar equipment.

(a) Radar installations on board ships that are required by the Safety Convention or the U.S. Coast Guard to be equipped with radar must comply with either the document referenced in subparagraph (1) of this paragraph or the applicable document referenced in subparagraphs (2) through (4) of this paragraph. These documents are incorporated by reference in accordance with 5 USC 552(a). These documents contain specifications, standards and general requirements applicable to shipboard radar equipment and shipboard radar installations. For purposes of this part the specifications, standards and general requirements stated in these documents are mandatory irrespective of discretionary language. Radar documents are available for inspection at the Commission Headquarters in Washington, D.C. or may be obtained from the Radio Technical Commission for Maritime Services (RTCM), Suite 600, 1800 Diagonal Road, Alexandria, Virginia 22314-2480.

(1) Radar installed on or after July 1, 1988, on ships of 500 gross tons and upwards that were constructed on or after September 1, 1984, must comply with the provisions of RTCM Paper 13387/SC 103-33 including Appendix A. Title: "RTCM Recommended Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 500 Gross Tons and Upwards for New Radar Installations." Title of Appendix A: "General Purpose Shipborne Navigational Radar Set for Oceangoing Ships Design and Testing Specifications." Document originally approved by RTCM August 15, 1985 and revised May 15, 1987.

(2) Radar installed on ships of 1,600 gross tons and upwards on or before April 27, 1981, must comply with the provisions of Volume II of RTCM Special Committee No. 65 Final Report; Part II. Title: "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Ships of 1,600 Tons Gross Tonnage and Upwards for Ships Already Fitted." Document approved by RTCM July 18, 1978; effective as FCC requirement on April 27, 1981.

(3) Radar installed on ships of 1,600 gross tons and upwards after April 27, 1981 and before July 1, 1988, must comply with the provisions of Volume II of RTCM Special Committee No. 65 Final Report with Change 1 entered; Part I including Appendix A. Title: "Performance Specification for a General Purpose Navigational Radar Set for Oceangoing Vessels of 1,600 Tons Gross Tonnage and Upwards for New Radar Installations." Title of Appendix A: "General Purpose Shipborne Navigational Radar Set for Oceangoing Ships Design and Testing Specifications." Document approved by RTCM July 18, 1978; effective as FCC requirement on April 27, 1981.

(4) Ships between 500 and 1,600 gross tons constructed on or after September 1, 1984, with radar installed before July 1, 1988, must comply with Regulation 12, Chapter V of the Safety Convention and with the provisions of Inter-Governmental Maritime Consultative Organization (IMCO) [now International Maritime Organization] Resolution A.477 (XII). Title: "Performance Standards for Radar Equipment." Adopted by IMCO November 19, 1981.

(b) For ships of 10,000 gross tons or more and any other ship that is required to be equipped with two radar systems, each of these systems must be capable of operating independently and must comply with the specifications, standards and general requirements established by paragraph (a) of this section.

One of the systems must provide a display with an effective diameter of not less than 340 millimeters (13.4 inches), (16 inch cathode ray tube). The other system must provide a display with an effective diameter of not less than 250 millimeters (9.8 inches), (12 inch cathode ray tube).

(c) Recommendations for tools, test equipment, spares and technical manuals are contained in Part IV of Volume III of the RTCM SC-65 Final Report approved by RTCM July 18, 1978.

37. Section 80.302 is amended by revising paragraph (a) to read as follows:

§ 80.302 Notice of discontinuance, reduction, or impairment of service involving a distress watch.

(a) When changes occur in the operation of a public coast station which include discontinuance, reduction or suspension of a watch required to be maintained on 2182 kHz or 156.800 MHz, notification must be made by the licensee to the nearest district office of the U.S. Coast Guard as soon as practicable. The notification must include the estimated or known resumption time of the watch.

* * * * *

38. Section 80.304 is amended by deleting paragraph (a), and redesignating paragraph (b) as the sole undesignated paragraph of this section.

39. Section 80.305 is amended by revising paragraph (a)(3) to read as follows:

§ 80.305 Watch requirements of the Communications Act and the Safety Convention.

(a) * * * * *

(3) Until February 1, 2005, keep a continuous and efficient watch on the VHF distress frequency 156.800 MHz from the room from which the vessel is normally steered while in the open sea outside a harbor or port. The watch must be maintained by a designated member of the crew who may perform other duties, relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of the watch. Use of a properly adjusted squelch or brief interruptions due to other nearby VHF transmissions are not considered to adversely affect the continuity or efficiency of the required watch on the VHF distress frequency. This watch need not be maintained by vessels subject to the Bridge-to-Bridge Act and participating in a Vessel Traffic Services (VTS) system as required or recommended by the U.S. Coast Guard, when an efficient listening watch is maintained on both the bridge-to-bridge frequency and a separate assigned VTS frequency.

* * * * *

40. Section 80.310 is revised to read as follows:

§ 80.310 Watch required by voluntary vessels.

Voluntary vessels not equipped with DSC must maintain a watch on 156.800 MHz (Channel 16) whenever the vessel is underway and the radio is not being used to communicate. Noncommercial vessels, such as recreational boats, may alternatively maintain a watch on 156.450 MHz (Channel 9) for call and reply purposes. Voluntary vessels equipped with VHF-DSC equipment must maintain a watch on either 156.525 MHz (Channel 70) or VHF Channel 16 aurally whenever the vessel is underway and the radio is not being used to communicate. Voluntary vessels equipped with MF-HF DSC equipment must have the radio turned on and set to an appropriate DSC distress calling channel or one of the

radiotelephone distress channels whenever the vessel is underway and the radio is not being use to communicate. Voluntary vessels equipped with Inmarsat A, B, or C systems must have the unit turned on and set to receive calls whenever the vessel is underway and the radio is not being used to communicate.

41. Section 80.313 is amended by revising the table to read as follows:

§ 80.313 Frequencies for use in distress.

* * * * *

Frequency band	Emission	Carrier frequency
1605-3500 kHz	J3E	2182 kHz.
118-136 MHz	A3E	121.500 MHz.
156-162 MHz	F3E, PON	156.800 MHz 156.750 MHz.
243 MHz	A3N	243.000 MHz.

* * * * *

42. Section 80.314 is amended by removing paragraph (a), and redesignating paragraphs (b) and (c) as (a) and (b).

43. Section 80.315 is amended by removing paragraph (a), redesignating paragraph (b) as (a), and adding a new paragraph (b) to read as follows:

§ 80.315 Distress calls.

* * * * *

(b) The procedures for canceling false distress alerts are contained in section 80.335 of this part.

44. Section 80.316 is amended by removing paragraph (a), redesignating paragraphs (b) and (c) as paragraphs (a) and (b), and adding new paragraph (c) to read as follows:

§ 80.316 Distress messages.

* * * * *

(c) The procedures for canceling false distress alerts are contained in section 80.335 of this part.

45. Section 80.320 is amended by redesignating paragraphs (b), (c), (d) and (e) as paragraphs (c), (d), (e) and (f) respectively, and inserting a new paragraph (b) to read as follows:

§ 80.320 Radiotelephone distress call and message transmission procedures.

* * * * *

(b) The DSC distress procedure consists of:

(1) Transmission by a mobile unit in distress;

(2) Reception;

- (3) Acknowledgement of distress calls;
- (4) Distress relays.

* * * * *

46. A new section 80.334 is added to read as follows:

§ 80.334 False distress alerts.

A distress alert is false if it was transmitted without any indication that a mobile unit or person was in distress and required immediate assistance. Transmitting a false distress alert is prohibited and may be subject to the provisions of part 1, subpart A of this chapter if that alert:

- (a) was transmitted intentionally;
- (b) was not cancelled in accordance with § 80.335;
- (c) could not be verified as a result of either the ship's failure to keep watch on appropriate frequencies in accordance with § 80.1123 or subpart G of this part, or its failure to respond to calls from the U.S. Coast Guard;
- (d) was repeated; or
- (e) was transmitted using a false identity.

47. A new section 80.335 is added to read as follows:

§ 80.335 Procedures for canceling false distress alerts.

If a distress alert is inadvertently transmitted, the following steps shall be taken to cancel the distress alert.

- (a) VHF Digital Selective Calling.
 - (i) Reset the equipment immediately;
 - (ii) Transmit a DSC distress alert cancellation (i.e., own ship's acknowledgment), if that feature is available;
 - (iii) Set to Channel 16; and
 - (iv) Transmit a broadcast message to "All stations" giving the ship's name, call sign or registration number, and MMSI, and cancel the false distress alert.
- (b) MF Digital Selective Calling.
 - (i) Reset the equipment immediately;
 - (ii) Transmit a DSC distress alert cancellation (i.e., own ship's acknowledgment), if that feature is available;
 - (iii) Tune for radiotelephony transmission on 2182 kHz; and
 - (iv) Transmit a broadcast message to "All stations" giving the ship's name, call sign or registration number, and MMSI, and cancel the false distress alert.
- (c) HF Digital Selective Calling.
 - (i) Reset the equipment immediately;

- (ii) Transmit a DSC distress alert cancellation (i.e., own ship's acknowledgment), if that feature is available, on each frequency on which the distress alert was transmitted;
- (iii) Tune for radiotelephony on the distress and safety frequency in each band in which a false distress alert was transmitted; and
- (iv) Transmit a broadcast message to "All stations" giving the ship's name, call sign or registration number, and MMSI, and cancel the false distress alert frequency in each band in which a false distress alert was transmitted.
- (d) INMARSAT ship earth station. Immediately notify the appropriate rescue coordination center that the alert is cancelled by sending a distress priority message by way of the same land earth station through which the false distress alert was sent. Provide ship name, call sign or registration number, and INMARSAT identity with the cancelled alert message.
- (e) EPIRB. If for any reason an EPIRB is activated inadvertently, immediately contact the nearest U.S. Coast Guard unit or appropriate rescue coordination center by telephone, radio or ship earth station and cancel the distress alert.
- (f) General and other distress alerting systems. Notwithstanding the above, ships may use additional appropriate means available to them to inform the nearest appropriate U.S. Coast Guard rescue coordination center that a false distress alert has been transmitted and should be cancelled.

* * * * *

48. Section 80.353 is removed and reserved.

§ 80.353 [Reserved]

49. Section 80.355 is amended by removing paragraph (c)(1), redesignating paragraphs (c)(2) and (c)(3) as (c)(1) and (c)(2), and revising the text of the newly designated paragraph (c)(1) and paragraph (d)(2) to read as follows:

§ 80.355 Distress, urgency, safety, call and reply Morse code frequencies.

* * * * *

(c) Frequencies in the 2000-27500 kHz band—(1) Ship station frequencies. The following table describes the calling frequencies in the 4000-27500 kHz band which are available for use by authorized ship stations equipped with crystal-controlled oscillators for A1A, J2A, J2B, or J2D radiotelegraphy. There are two series of frequencies for worldwide use and two series of frequencies for each geographic region. Ship stations with synthesized transmitters may operate on every full 100 Hz increment in the 0.5 kHz channel for the frequencies listed, except for 100 Hz above and below those designated for worldwide use. During normal business hours when not communicating on other frequencies, all U.S. coast radiotelegraph stations must monitor the worldwide frequencies and the initial calling frequencies for the region in which it is located. The specific frequencies which must be monitored by a coast station will vary with propagation conditions. The calling frequencies which are routinely monitored by specific coast stations can be determined by reference to the ITU publication entitled "List of Coast Stations." Initial calls by ship stations must be made on the appropriate initial calling frequency first. Calls on the worldwide frequencies may be made only after calls on the appropriate initial calling frequency are unsuccessful.

* * * * *

(d) * * * * *

(2) EPIRB stations may be assigned 121.500 MHz and 243 MHz using A3E, A3X and NON emission or 406.0-406.1 MHz using G1D emission to aid search and rescue operations. See subpart V of this part.

50. Section 80.357 is amended by revising the title, introductory paragraph and the text of paragraph (b)(1) to read as follows:

§ 80.357 Working frequencies for Morse code and data transmission.

This section describes the working frequencies assignable to maritime stations for A1A, J2A, J2B (2000-27500 kHz band only), or J2D (2000-27500 kHz band only) radiotelegraphy.

* * * * *

(b) Coast station frequencies—(1) Frequencies in the 100-27500 kHz band. The following table describes the working carrier frequencies in the 100-27500 kHz band which are assignable to coast stations located in the designated geographical areas. The exclusive maritime mobile HF bands listed in the table contained in § 80.363(a)(2) of this chapter are also available for assignment to public coast stations for A1A, J2A, J2B, or J2D radiotelegraphy following coordination with government users.

* * * * *

51. Section 80.359 is amended by replacing “4209.5” with “4209.0” in the table in paragraph (a) and by revising paragraph (b) to read as follows:

§ 80.359 Frequencies for digital selective calling (DSC).

* * * * *

(b) Distress and safety calling. The frequencies 2187.5 kHz, 4207.5 kHz, 6312.0 kHz, 8414.5 kHz, 12577.0 kHz, 16804.5 kHz and 156.525 MHz may be used for DSC by coast and ship stations on a simplex basis for distress and safety purposes. The provisions and procedures for distress and safety calling are contained in ITU-R Recommendation 541-8 as modified by § 80.103(c) of this part.

* * * * *

52. Section 80.361 is amended by redesignating paragraph (a)(1) as paragraph (a) and removing paragraph (a)(2), and by revising the text of paragraph (b) to read as follows:

§ 80.361 Frequencies for narrow-band direct-printing (NBDP), radioprinter and data transmissions.

* * * * *

(b) The following table describes the frequencies and Channel Series with F1B, J2B, or J2D emission which are assignable to ship stations for NBDP and data transmissions with other ship stations and public coast stations. Public coast stations may receive only on these frequencies.

* * * * *

53. Section 80.363 is amended revising the table in paragraph (a)(1) to read as follows:

§ 80.363 Frequencies for facsimile.

(a) * * * * *

(1) Ship station frequencies. The following frequencies are available for use by authorized ship stations for facsimile.

Assignable Ship Frequencies For Facsimile (kHz)

2070.5	4154	6235	8302	12370	16551	18848	22182	25123
2072.5	4170	6259	8338	12418	16615	18868	22238	25159
2074.5	-----	-----	-----	-----	-----	-----	-----	-----
2076.5	-----	-----	-----	-----	-----	-----	-----	-----

* * * * *

54. Section 80.373 is amended by revising paragraph (c)(2)(ii) to read as follows:

§ 80.373 Private communications frequencies.

* * * * *

(c) * * * * *

(2) * * * * *

(ii) The emissions must be J3E or J2D except that when DSC is used the emission must be F1B or J2B; and

* * * * *

55. Section 80.374 is amended by revising the title and the introductory paragraph to read as follows:

§ 80.374 Provisions for frequencies in the 4000-4063 and the 8100-8195 kHz bands shared with the fixed service.

Coast station assignments in the 4000-4063 kHz band deviate from international provisions. Coast station assignments in the 4000-4063 kHz band are permitted provided that such stations must not cause interference to, and must accept interference from, stations operated by other countries in accordance with the Radio Regulations.

* * * * *

56. Section 80.375 is amended by removing paragraphs (a)(1), (a)(2), (d)(2)(vii), (d)(3), (d)(3)(i)-(iv), (d)(4), and (e)(1)-(11), and revising paragraphs (a) and (e) to read as follows:

§ 80.375 Radiodetermination Frequencies

* * * * *

- (a) Direction finding frequencies. The carrier frequencies assignable to ship stations for directional finding operations are:

CARRIER FREQUENCY

8364 kHz
121.500 MHz
243.00 MHz

* * * * *

- (e) Search and Rescue Radar Transponder Stations. The technical standards for search and rescue transponder stations are in subpart W of this part.

57. Section 80.401 is amended to read as follows:

§ 80.401 Station documents requirement.

Licensees of radio stations are required to have current station documents as indicated in the following table:

	<div><div>LEGEND: R = REQUIRED</div><div>DOCUMENTS →</div></div>	Radio Station Category	Station License	Appropriate Operator Authorization	Station Logs	Appropriate Safety Convention Certificate	Communications Act Safety Certificate	Great Lakes Radio Agreement Safety Certificate	Bridge to Bridge Act Safety Certificate	Part 80, FCC Rules and Regulations	Alphabetical List of Maritime Mobile Call Signs	List of Ship Stations	Manual for Use by Maritime Mobile (M/M) Service & M/M Satellite Service	List of Coast Stations	List of Radiodetermination and Special Services Stations	Station Equipment Records	GMDSS Master Plan	NIMA Publication 117	Admiralty List of Radio Signals	IMO Circ. 7
Shipboard:		Cargo Ships (300 gross tons and up)	R1	R	R	R				R	R	R	R	R	R		R5	R5	R5	R5
		Passenger Vessels – SOLAS	R1	R	R	R				R	R	R	R	R2	R		R5	R5	R5	R5
		Passenger Vessels – Domestic	R1	R	R		R			R										
		Telephone; Great Lakes Radio Agreement	R	R	R4			R4												
		Telephone; Bridge-to-Bridge Act	R	R	R				R											
		Radar	R																	
		On Board	R													R				
		Voluntary	R	R																
Land:		Public Coast (MF)	R	R	R					R	R3	R3	R3							
		Public Coast (HF)	R	R	R					R	R	R	R							
		Public Coast (VHF)	R	R	R					R										
		Private Coast	R	R																
		Radio Determination	R	R																
		Operational Fixed	R	R																
		Maritime Support	R	R																
		Alaska – Public Fixed	R	R	R															
		Alaska – Private Fixed	R	R																
Ship/Coast:		Marine Utility	R	R																

- Notes:
1. The expired station license must be retained in the station records until the first Commission inspection after the expiration date.
 2. Alternatively, a list of coast stations maintained by the licensee with which communications are likely to be conducted, showing watch-keeping hours, frequencies and charges, is authorized.
 3. Required only if station provides a service to ocean-going vessels.
 4. Certification of a Great Lakes Agreement inspection may be made by either a log entry or issuance of a Great Lakes Agreement certificate. Radiotelephone logs containing entries certifying that a Great Lakes Agreement inspection has been conducted must be retained and be available for inspection by the FCC for 2 years after the date of the inspection.
 5. The requirements for having the GMDSS Master Plan, NIMA Publication 117, Admiralty List of Radio Signals or IMO Circ. 7 are satisfied by having any one of those four documents.

* * * * *

58. Section 80.405 is amended by revising paragraph (a) to read as follows:

§ 80.405 Station license.

(a) Requirement. Except as provided in section 80.13(c) of this part, stations must have an authorization granted by the Federal Communications Commission.

* * * * *

59. Section 80.409 is amended by revising paragraph (e) to read as follows:

§ 80.409 Station logs.

* * * * *

(e) Ship radiotelephone logs. Logs of ship stations which are compulsorily equipped for radiotelephony must contain the following applicable log entries and the time of their occurrence:

(1) A summary of all distress communications heard, and urgency communications affecting the station's own ship.

(2) A summary of safety communications on other than VHF channels affecting the station's own ship.

(3) An entry that pre-departure equipment checks were satisfactory and that required publications are on hand. Daily entries of satisfactory tests to ensure the continued proper functioning of GMDSS equipment shall be made.

(4) An entry describing any malfunctioning GMDSS equipment and another entry when the equipment is restored to normal operation.

(5) A weekly entry that (1) the proper functioning of digital selective calling (DSC) equipment has been verified by actual communications or a test call, (2) the batteries or other reserve power sources are functioning properly, (3) the portable survival craft radio gear and radar transponders have been tested, and (4) the EPIRBs have been inspected.

(6) The time of any inadvertent transmissions of distress, urgency and safety signals including the time and method of cancellation.

(7) At the beginning of each watch, the Officer of the Navigational Watch, or GMDSS Operator on watch, if one is provided, shall ensure that the navigation receiver is functioning properly and is

interconnected to all GMDSS alerting devices which do not have integral navigation receivers, including: VHF DSC, MF DSC, satellite EPIRB and HF DSC or INMARSAT SES. On a ship without integral or directly connected navigation receiver input to GMDSS equipment, the Officer of the Navigational Watch, or GMDSS Operator on watch, shall update the embedded position in each equipment. An appropriate log entry of these actions shall be made.

(8) A GMDSS radio log entry shall be made whenever GMDSS equipment is exchanged or replaced (ensuring that ship MMSI identifiers are properly updated in the replacement equipment), when major repairs to GMDSS equipment are accomplished, and when annual GMDSS inspections are conducted.

(9) * * * * *

60. Section 80.415 is amended by revising the title and text to read as follows:

§ 80.415 Publications.

(a) The following publications listed in the table contained in § 80.401 are published by the International Telecommunications Union (ITU):

(1) Manual for Use of the Maritime Mobile and Maritime Mobile-Satellite Services.

(2) List IV–List of Coast Stations.

(3) List V–List of Ship Stations.

(4) List VI–List of Radiodetermination and Special Services Stations.

(5) List VII A–Alphabetical List of Call Signs of Stations Used by the Maritime Mobile Service, Ship Station Selective Call Numbers or Signals and Coast Station Identification Numbers or Signals.

These publications may be purchased from:

International Telecommunication Union, General Secretariat-Sales
Section, Place des Nations, CH-1211 Geneva 20, Switzerland

(b) The following publications listed in the table contained in § 80.401 are available as follows:

(1) IMO GMDSS Master Plan may be purchased from International Maritime Organization (IMO), Publications, 4 Albert Embankment, London SE1 7 SR, United Kingdom; telephone 011 44 71 735 7611.

(2) U.S. NIMA Publication 117 may be purchased from Superintendent of Documents P.O. Box 371954 Pittsburgh, PA 15250-7954, telephone 202-512-1800.

(3) The Admiralty List of Radio Signals, Volume 5 – Global Maritime Distress and Safety System, may be purchased from UK Hydrographic Office Admiralty Way, Tauton, Somerset TA1 2DNm United Kingdom, telephone +44(0) 1823 337900 x3333.

61. Section 80.417 is revised to read as follows:

§ 80.417 FCC Rules and Regulations.

The Commission's printed publications are described in Subpart C of Part 0 of this chapter. These publications may be purchased from the Superintendent of Documents, U.S. Government Printing

Office, Washington, D.C. 20402. The Commission does not furnish copies of these publications but will furnish a price list, Information Services and Publications - Bulletin No. 1, upon request. Requests for copies of this list may be directed to the Consumer Information Bureau, Consumer Information Network Division. Information bulletins and fact sheets containing information about communications issues and the Federal Communications Commission are also available on the Commission's web site at www.fcc.gov or ftp.fcc.gov.

62. Section 80.605 is amended by removing paragraph (d) and revising paragraphs (b) and (c) to read as follows:

* * * * *

§ 80.605 U.S. Coast Guard coordination

* * * * *

(b) Coast station transponders (i.e., radar beacons, or racons) operating in the band 2900-3100 or 9300-9500 MHz shall meet the requirements of ITU-R Recommendation M.824-2. Applications for certification of these transponders must include a description of the technical characteristics of the equipment including the scheme of interrogation and the characteristics of the transponder response, and test results demonstrating the device meets each applicable requirement of this ITU-R recommendation.

(c) The use of ship station transponders in the band 2900-3100 or 9300-9500 MHz other than those described in § 80.1065(a)(3) and § 80.1095(b) is prohibited.

63. Sections 80.801, 80.802, 80.804, 80.805, 80.806, 80.808, 80.809, 80.810, 80.811, 80.812, 80.813, 80.814, 80.815, 80.817, 80.824, 80.825, 80.826, 80.827, 80.828, 80.829, 80.830, 80.831, 80.832, 80.833, 80.834, 80.835 and 80.836 are removed.

64. Section 80.807 is redesignated as Section 80.268, and as so redesignated is amended by revising the title and paragraphs (a)(5) and (b)(3) to read as follows:

§ 80.268 Technical requirements for radiotelephone installation.

* * * * *

(a) * * * * *

(5) This transmitter may be contained in the same enclosure as the receiver required by paragraph (b) of this section. These transmitters may have the capability to transmit J2D or J3E transmissions.

(b) * * * * *

(3) This receiver may be contained in the same enclosure as the transmitter required by paragraph (a) of this section. These receivers may have the capability to receive J2D or J3E transmissions.

* * * * *

65. Sections 80.818, 80.819, 80.820, 80.821, 80.822, and 80.823 are redesignated as Sections

80.288, 80.289, 80.290, 80.291, 80.292, and 80.293, respectively.

66. Subpart Q is reserved.

Subpart Q – [Reserved]

67. Subpart R is amended by revising the title and table of contents to read as follows:

Subpart R-Technical Equipment Requirements for Cargo Vessels Not Subject to Subpart W

- 80.851 Applicability.
- 80.853 Radiotelephone station.
- 80.854 Radiotelephone installation.
- 80.855 Radiotelephone transmitter.
- 80.858 Radiotelephone receiver.
- 80.859 Main power supply.
- 80.860 Reserve power supply.
- 80.861 Required capacity.
- 80.862 Proof of capacity.
- 80.863 Antenna system.
- 80.864 Emergency electric lights.
- 80.865 Radiotelephone station clock.
- 80.866 Spare antenna.
- 80.867 Ship station tools, instruction books, circuit diagrams and testing equipment.
- 80.868 Card of instructions.
- 80.869 Test of radiotelephone station.
- 80.871 VHF radiotelephone station.
- 80.872 The VHF radiotelephone installation.
- 80.873 VHF radiotelephone transmitter.
- 80.874 VHF radiotelephone receiver.
- 80.875 VHF radiotelephone power supply.
- 80.876 VHF radiotelephone antenna system.
- 80.877 Controls and indicators required for VHF radiotelephone installation.
- 80.880 Vessel radio equipment.
- 80.881 Equipment requirements for ship stations.

68. Section 80.851 is revised to read as follows:

§ 80.851 Applicability.

The radiotelephone requirements of this subpart are applicable to all compulsory ships which are not required to comply with Subpart W in total or in part or are temporarily exempted from some of the Subpart W provisions.

69. Section 80.853 is amended by removing paragraph (e).
70. Sections 80.856, 80.857 , 80.870, and 80.879 are removed.

71. A new section 80.880 is added to read as follows:

§ 80.880 Vessel radio equipment.

(a) Vessels operated solely within twenty nautical miles of shore must be equipped with a VHF radiotelephone installation as described in this subpart, and maintain a continuous watch on Channel 16.

(b) Vessels operated solely within one hundred nautical miles of shore must be equipped with a medium frequency transmitter capable of transmitting J3E emission and a receiver capable of reception of J3E emission within the band 1710 to 2850 kHz, in addition to the VHF radiotelephone installation required by paragraph (a) of this section, and must maintain a continuous watch on 2182 kHz. Additionally, such vessels must be equipped with either:

(1) a single sideband radiotelephone capable of operating on all distress and safety frequencies in the medium frequency and high frequency bands listed in § 80.369(a) and (b), on all the ship-to-shore calling frequencies in the high frequency bands listed in 80.369(d), and on at least four of the automated mutual-assistance vessel rescue (AMVER) system HF duplex channels (this requirement may be met by the addition of such frequencies to the radiotelephone installation required by paragraph (b) of this section); or

(2) if operated in an area within the coverage of an INMARSAT maritime mobile geostationary satellite in which continuous alerting is available, an INMARSAT ship earth station meeting the equipment authorization rules of parts 2 and 80 of this chapter.

72. A new section 80.881 is added to read as follows:

§ 80.881 Equipment Requirements for Ship Stations

Vessels subject to this Subpart must be equipped as follows:

- (a) A category 1, 406.0-406.1 MHz EPIRB meeting the requirements of § 80.1061;
- (b) A NAVTEX receiver meeting the requirements of § 80.1101(c)(1);
- (c) A Search and Rescue Transponder meeting the requirements of § 80.1101(c)(6);
- (d) A two-way VHF radiotelephone meeting the requirements of § 80.1101(c)(7).

73. Section 80.905 is revised to read as follows:

§ 80.905 Vessel radio equipment.

(a) * * * * *

(1) Vessels operated solely within the communications range of a VHF public coast station or U.S. Coast Guard station that maintains a watch on 156.800 MHz while the vessel is navigated must be equipped with a VHF radiotelephone installation. Vessels in this category must not operate more than 20 nautical miles from land.

(2) Vessels operated beyond the 20 nautical mile limitation specified in paragraph (a)(1) of this section, but not more than 100 nautical miles from the nearest land, must be equipped with a MF transmitter capable of transmitting J3E emission and a receiver capable of reception of J3E emission within the band 1710 to 2850 kHz, in addition to the VHF radiotelephone installation required by

paragraph (a)(1) of this section. The MF transmitter and receiver must be capable of operation on 2670 kHz.

(3) Vessels operated more than 100 nautical miles but not more than 200 nautical miles from the nearest land must:

(i) Be equipped with a VHF radiotelephone installation;

(ii) Be equipped with an MF radiotelephone transmitter and receiver meeting the requirements of paragraph (a)(2) of this section; and

* * * * *

(v) Be equipped with a NAVTEX receiver conforming to the following performance standards: IMO Resolution A.525(13) and ITU-R Recommendation 540;

(vi) Be equipped with a Category I 406.0-406.1 MHz satellite emergency position-indicating radiobeacon (EPIRB) meeting the requirements of § 80.1061; and

(vii) Participate in the AMVER system while engaged on any voyage where the vessel is navigated in the open sea for more than 24 hours. Copies of the AMVER Bulletin are available at: AMVER Maritime Relations, Battery Park Building, New York, NY 10004. Phone 212-668-7764; Fax 212-668-7684.

(4) Vessels operated more than 200 nautical miles from the nearest land must:

(i) Be equipped with two VHF radiotelephone installations;

(ii) Be equipped with an MF radiotelephone transmitter and receiver meeting the requirements of paragraph (a)(2) of this section;

* * * * *

(v) Be equipped with a NAVTEX receiver conforming to the following performance standards: IMO Resolution A.525(13) and ITU-R Recommendation 540;

* * * * *

(ix) Participate in the AMVER system while engaged on any voyage where the vessel is navigated in the open sea for more than 24 hours. Copies of the AMVER Bulletin are available at: AMVER Maritime Relations, Battery Park Building, New York, NY 10004. Phone 212-668-7764; Fax 212-668-7684.

(b) For a vessel that is navigated within the communication range of a VHF public coast station or U.S. Coast Guard station, but beyond the 20 nautical mile limitation specified in paragraph (a)(1) of this section, an exemption from the band 1605 to 2850 kHz installation requirements may be granted if the vessel is equipped with a VHF transmitter and receiver. An application for exemption must include a chart showing the route of the voyage or the area of operation of the vessel, and the receiving service area of the VHF public coast or U.S. Coast Guard station. The coverage area of the U.S. Coast Guard station must be based on written information from the District Commander, U.S. Coast Guard, a copy of which

must be furnished with the application. The coverage area of a public coast station must be computed by the method specified in subpart P of this part.

(c) * * * * *

(d) A VHF radiotelephone installation or a remote unit must be located at each steering station except those auxiliary steering stations which are used only during brief periods for docking or for close-in maneuvering. A single portable VHF radiotelephone set meets the requirements of this paragraph if adequate permanent mounting arrangements with suitable power provision and antenna feed are installed at each operator steering station. Additionally, for vessels of more than 100 gross tons, the radiotelephone installation must be located at the level of the main wheelhouse or at least one deck above the vessel's main deck.

* * * * *

74. Section 80.909(b) is amended by revising paragraph (b) to read as follows:

§ 80.909 Radiotelephone transmitter.

* * * * *

(b) The single sideband radiotelephone must be capable of operating on maritime frequencies in the band 1710 to 27500 kHz with a peak envelope output power of at least 120 watts for J3E emission on 2182 kHz and J3E emission on the distress and safety frequencies listed in § 80.369(b).

* * * * *

75. Section 80.933 is amended by revising paragraphs (c) and (c)(2)(i) to read as follows:

§ 80.933 General small passenger vessel exemptions.

* * * * *

(c) U.S. passenger vessels of less than 100 gross tons operated on domestic or international voyages are exempt from the radiotelegraph requirements of Part II of Title III of the Communications Act and the MF radiotelephone requirements of this subpart until one year after the Coast Guard notifies the Commission that shore-based Sea Area A1 coverage is established, if the following criteria are fully met:

* * * * *

(2) * * * * *

(i) A Category 1, 406.0-406.1 MHz EPIRB meeting the requirements of § 80.1061.

* * * * *

76. Section 80.1051 is revised to read as follows:

§ 80.1051 Scope.

This subpart describes the technical and performance requirements for Classes A, B, and S, and Categories 1, 2, and 3 EPIRB stations

* * * * *

77. Section 80.1053 is amended to read as follows:

§ 80.1053 Special requirements for Class A EPIRB stations.

Class A EPIRBs shall not be manufactured, imported, or sold in the United States on or after February 1, 2003. Operation of Class A EPIRB stations shall be prohibited after December 31, 2006. New Class A EPIRBs will no longer be certified by the Commission. Existing Class A EPIRBs must be operated as certified.

78. Section 80.1055 is amended to read as follows:

§ 80.1055 Special requirements for Class B EPIRB stations.

Class B EPIRBs shall not be manufactured, imported, or sold in the United States on or after February 1, 2003. Operation of Class B EPIRB stations shall be prohibited after December 31, 2006. New Class B EPIRBs will no longer be certified by the Commission. Existing Class B EPIRBs must be operated as certified.

79. Section 80.1057 is removed and reserved.

§ 80.1057 [Reserved]

80. Section 80.1059 is amended to read as follows:

§ 80.1059 Special requirements for Class S EPIRB stations.

Class S EPIRBs shall not be manufactured, imported, or sold in the United States on or after February 1, 2003. Operation of Class S EPIRB stations shall be prohibited after December 31, 2006. New Class S EPIRBs will no longer be certified by the Commission. Existing Class S EPIRBs must be operated as certified.

81. Section 80.1061 is revised to read as follows:

§ 80.1061 Special requirements for 406.0-406.1 MHz EPIRB stations.

(a) Notwithstanding the provisions in paragraph (b) of this section, 406.0-406.1 MHz EPIRBs must meet all the technical and performance standards contained in the Radio Technical Commission for Maritime Services document titled "RTCM Recommended Standards for 406 MHz Satellite Emergency Position-Indicating Radiobeacons (EPIRBs)" version 2.1, dated August 22, 2000. (RTCM Recommended Standards). This RTCM document is incorporated by reference in accordance with 5 U.S.C. 552(a). The document is available for inspection at Commission headquarters in Washington, D.C. or may be obtained from the Radio Technical Commission for Maritime Services, 1800 Diagonal Road, Suite 600, Alexandria, VA 22314. Phone 703-684-4481; Fax 703-684-4229; email wtadams@rtcm.org.

(b) The 406.0-406.1 EPIRB must contain as an integral part a "homing" beacon operating only on 121.500 MHz that meets all the requirements described in the RTCM Recommended Standards document

described in paragraph (a) of this section. The 121.500 MHz "homing" beacon must have a continuous duty cycle that may be interrupted during the transmission of the 406.0-406.1 MHz signal only. Additionally, at least 30 percent of the total power emitted during any transmission cycle must be contained within plus or minus 30 Hz of the carrier frequency.

(c) Prior to submitting a certification application for a 406.0-406.1 MHz radiobeacon, the radiobeacon must be certified by a test facility recognized by one of the COSPAS/SARSAT Partners that the equipment satisfies the design characteristics associated with the measurement methods described in Appendix B of the RTCM Recommended Standards. Additionally, the radiobeacon must be certified by a test facility recognized by the U.S. Coast Guard to certify that the equipment complies with the U.S. Coast Guard environmental and operational requirements associated with the test procedures described in Appendix A of the RTCM Recommended Standards. Information regarding the recognized test facilities may be obtained from Commandant (G-MSE), U.S. Coast Guard, 2100 2nd Street SW, Washington, DC 20593-0001.

(1) After a 406.0-406.1 MHz EPIRB has been certified by the recognized test facilities the following information must be submitted in duplicate to the Commandant (G-MSE), U.S. Coast Guard, 2100 2nd Street SW, Washington, DC 20593-0001:

* * * * *

(d) A certification application for a 406.0-406.1 MHz EPIRB submitted to the Commission must also contain a copy of the U.S. Coast Guard letter that states the radiobeacon satisfies all RTCM Recommended Standards, a copy of the technical test data, and the instruction manual(s).

(e) An identification code, issued by the National Oceanic and Atmospheric Administration (NOAA) the United States Program Manager for the 406.0-406.1 MHz COSPAS/SARSAT satellite system, must be programmed in each EPIRB unit to establish a unique identification for each EPIRB station. With each marketable EPIRB unit the manufacturer or grantee must include a postage pre-paid registration card printed with the EPIRB identification code addressed to: NOAA/NESDIS, SARSAT Operations Division, E/SP3, Federal Building 4, Washington, D.C. 20233. The registration card must request the owner's name, address, telephone number, type of ship, alternate emergency contact and include the following statement: "WARNING -- failure to register this EPIRB with NOAA before installation could result in a monetary forfeiture being issued to the owner."

(f) To enhance protection of life and property it is mandatory that each 406.0-406.1 MHz EPIRB be registered with NOAA before installation and that information be kept up-to-date. Therefore, in addition to the identification plate or label requirements contained in §§2.925, 2.926 and 2.1003 of this chapter, each 406.0-406.1 MHz EPIRB must be provided on the outside with a clearly discernable permanent plate or label containing the following statement: "The owner of this 406.0-406.1 MHz EPIRB must register the NOAA identification code contained on this label with the National Oceanic and Atmospheric Administration (NOAA) whose address is: NOAA, NOAA/SARSAT Operations Division, E/SP3, Federal Building 4, Washington, D.C. 20233." Vessel owners shall advise NOAA in writing upon change of vessel or EPIRB ownership, transfer of EPIRB to another vessel, or any other change in registration information. NOAA will provide registrants with proof of registration and change of registration postcards.

(g) For 406.0-406.1 MHz EPIRBs whose identification code can be changed after manufacture, the identification code shown on the plate or label must be easily replaceable using commonly available tools.

82. Section 80.1071 is amended by removing paragraph (b)(3), and revising paragraph (b)(2) and adding a new paragraph (c) to read as follows:

§ 80.1071 Exemptions.

* * * * *

(b) * * * * *

(2) In exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped.

(c) All fishing vessels of 300 gross tons and upward are exempt from Subpart W requirements applicable for carriage of VHF-DSC and MF-DSC equipment until one year after the USCG establishes GMDSS coast facilities for Sea Areas A1 and A2, if the following provisions are met:

(1) The ship is equipped with:

- (i) a VHF radiotelephone installation meeting the requirements of § 80.1101(c)(2).
- (ii) an MF or HF radiotelephone installation meeting the requirements of § 80.1101(c)(3)-(4).
- (iii) a Category 1, 406.0-406.1 MHz EPIRB meeting the requirements of § 80.1061
- (iv) a NAVTEX receiver meeting the requirements of § 80.1101(c)(1);
- (v) survival craft equipment meeting the requirements of § 80.1095;
- (vi) a Search and Rescue Transponder meeting the requirements of § 80.1101(c)(6); and

(2) The ship remains within coverage of a VHF coast station and maintains a continuous watch on VHF Channel 16; or

(3) The vessel remains within coverage of an MF coast station and maintains a continuous watch on 2182 kHz and VHF Channel 16.

83. Section 80.1073 is amended by revising paragraphs (a)(1), (a)(2), (b), and (b)(6) to read as follows:

§ 80.1073 Radio operator requirements for ship stations.

(a) * * * * *

(1) A qualified GMDSS radio operator must be designated to have primary responsibility for radiocommunications during distress incidents, except if the vessel operates exclusively within twenty nautical miles of shore, in which case a qualified restricted radio operator may be so designated.

(2) A second qualified GMDSS radio operator must be designated as backup for distress and safety radiocommunications, except if the vessel operates exclusively within twenty nautical miles of shore, in which case a qualified restricted GMDSS radio operator may be so designated.

(b) A qualified GMDSS radio operator, and a qualified backup, as specified in paragraph (a) of this section, must be:

* * * * *

(6) Responsible for ensuring that the ship's navigation position is entered into all installed DSC equipment, either automatically through a connected or integral navigation receiver, or manually at least every four hours when the ship is underway.

84. Section 80.1074 is amended by deleting paragraph (b)(3) and revising paragraph (b)(2) to read as follows:

§ 80.1074 Radio maintenance personnel for at-sea maintenance.

* * * * *

(b) * * * * *

(2) GB: GMDSS Operator's/Maintainer's License.

* * * * *

85. Section 80.1077 is revised to read as follows:

§ 80.1077 Frequencies.

The following table describes the frequencies used in the Global Maritime Distress and Safety System:

Alerting:

406.0-406.1 EPIRBs.....	406.0-406.1 MHz (Earth-to-space). 1544-1545 MHz (space-to-Earth).
INMARSAT Ship Earth Stations capable of voice and/or direct printing.....	1626.5-1645.5 MHz (Earth-to-space).
VHF DSC Ch. 70.....	156.525 MHz ¹ .
MF/HF DSC ^{2 11}	2187.5 kHz ³ , 4207.5 kHz, 6312 kHz, 8414.5 kHz, 12577 kHz, and 16804.5 kHz.

* * *

Locating signals:

406-406.1 EPIRB Beacons.....	121.5 MHz.
9 GHz radar transponders.....	9200-9500 MHz

* * *

Maritime safety information (MSI):

International NAVTEX.....	518 kHz ⁷
Warnings.....	490 kHz, 4209.5 kHz
NBDP.....	4210 kHz, 6314 kHz, 8416.5 kHz, 12579 kHz, 16806.5 kHz, 19680.5 kHz, 22376 kHz, 26100.5 kHz
Satellite.....	1530-1545 MHz ¹⁰

* * *

¹ Frequency 156.525 MHz can be used for ship-to-ship alerting and, if within sea area A1, for ship-to-shore alerting.

² For ships equipped with MF/HF equipment, there is a watch requirement on 2187.5 kHz, 8414.5 kHz, and one other frequency.

³ Frequency 2187.5 kHz can be used for ship-to-ship alerting and, if within sea areas A2, for ship-to-shore alerting.

* * *

⁷ The international NAVTEX frequency 518 kHz is the primary frequency for receiving maritime safety information. The other frequencies are used only to augment the coverage or information provided on 518 kHz.

⁸ [Reserved.]

⁹ [Reserved].

¹⁰ In addition to EPIRBs, 1544-1545 MHz can be used for narrowband distress and safety operations and 1645.5-1646.5 MHz can be used for relay of distress alerts between satellites. Feeder links for satellite communications are assigned from the fixed satellite service, see 47 CFR § 2.106.

¹¹ Routine calling is not permitted on MF and HF DSC frequencies.

* * * * *

86. Section 80.1083 is amended by adding a new paragraph (d) to read as follows:

§ 80.1083 Ship radio installations.

* * * * *

(d) A Shipborne Integrated Radiocommunication System (IRCS) may be utilized to integrate all GMDSS equipment into a standard operator's console. Such installation must be type accepted in accordance with § 80.1103 and meet the requirements of IMO Assembly Resolution A.811(19).

* * * * *

87. Section 80.1085 is amended by adding a new paragraph (a)(6)(iii), deleting paragraphs (b) and (c), redesignating paragraph (d) as paragraph (b), adding a new paragraph (c), and revising paragraph (a)(6)(i) and newly designated paragraph (b) to read as follows:

§ 80.1085 Ship radio equipment-General.

(a) * * * * *

(6) A satellite emergency position-indicating radio beacon (satellite EPIRB) which must be:

(i) Capable of transmitting a distress alert through the polar orbiting satellite service operating in the 406.0-406.1 MHz band (406.0-406.1 MHz EPIRB); and

* * * * *

(iii) Examined and tested annually in accordance with IMO Circular MSC/Circ.882, Guidelines on annual testing of 406 MHz satellite EPIRBs. See section 80.1105(k).

* * * * *

(b) Ships must carry either the most recent edition of the IMO publication entitled GMDSS Master Plan of Shore-Based Facilities, the U.S. NIMA Publication 117, or the Admiralty List of Radio Signals Volume 5 Global Maritime Distress and Safety System. Notice of new editions will be published on the Commission's Wireless Telecommunications Bureau web page under "Marine Services" and information will be provided about obtaining the new document.

(c) All GMDSS equipment capable of transmitting an automatic distress alert which includes position of the ship must have either an integral navigation receiver or capability of being connected to an external navigation receiver. If an external navigation receiver is installed, it shall be connected to all of the alerting devices referred to above. If there is no navigation receiver, the position must be entered manually for each alerting device at least once every 4 hours (at the change of the navigation watch).

88. Section 80.1087 is amended by revising paragraph (a)(2) to read as follows:

§ 80.1087 Ship radio equipment—Sea area A1.

(a) * * * * *

(2) Through the polar orbiting satellite service on 406.0-406.1 MHz (this requirement may be fulfilled by the 406.0-406.1 MHz EPIRB, required by §80.1085(a)(6) of this part, either by installing the 406.0-406.1 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

* * * * *

89. Section 80.1089 is amended by revising paragraph (a)(3)(i) to read as follows:

§ 80.1089 Ship radio equipment—Sea areas A1 and A2.

(a) * * * * *

(3) Means of initiating the transmission of ship-to-shore distress alerts by a radio service other than MF operating either:

(i) Through the polar orbiting satellite service on 406.0-406.1 MHz (this requirement may be fulfilled by the 406.0-406.1 MHz EPIRB required by §80.1085(a)(6) of this part, either by installing the 406.0-406.1 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

* * * * *

90. Section 80.1091 is amended by revising paragraph (a)(4)(i), adding a note at the end of paragraph (a)(4)(iii), and revising paragraph (b)(3)(i) to read as follows:

§ 80.1091 Ship radio equipment – Sea areas A1, A2, and A3.

* * * * *

(a) * * * * *

(4) * * * * *

(i) Through the polar orbiting satellite service on 406.0-406.1 MHz (this requirement may be fulfilled by the 406.0-406.1 MHz EPIRB required by § 80.1085(a)(6) of this part, either by installing the 406.0-406.1 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

* * * * *

(iii) * * * * *

Note – For ships subject to this subpart, sailing only in domestic waters, alternative satellite system fitting may be considered. However, the satellite system fitted must comply with all features of the INMARSAT system for its intended function. These are shown in IMO Assembly Resolution A.801(19) Annex 5, Criteria for Use When Providing Inmarsat Shore-Based Facilities for Use in the GMDSS, and in IMO Assembly Resolution A.888(21), Criteria for the Provision of Mobile Satellite Communications Systems in the GMDSS. In any case, the alternative satellite system must provide continuous coverage for all sea areas in which the ship intends to sail.

(b) * * * * *

(3) * * * * *

(i) Through the polar orbiting satellite service on 406.0-406.1 MHz (this requirement may be fulfilled by the 406.0-406.1 MHz EPIRB required by §80.1085(a)(6) of this part, either by installing the 406.0-406.1 MHz EPIRB close to, or by allowing remote activation from, the position from which the ship is normally navigated); or

* * * * *

91. Section 80.1099 is amended by revising paragraphs (f)(2) and (h) to read as follows:

§ 80.1099 Ship sources of energy.

* * * * *

(f) * * * * *

(2) Battery charge levels should be checked at intervals of 30 days or less with equipment turned ON and the battery charger turned OFF. Portable equipment with primary batteries such as EPIRBs and SARTs should be checked at the same intervals using methods recommended by the manufacturer. The results of battery checks should be recorded in the radio log.

* * * * *

(h) If an uninterrupted input of information from the ship's navigational or other equipment to a radio installation required by this subpart (including the navigational receiver referred to in SOLAS Chapter IV, Regulation 18) is needed to ensure its proper performance, means must be provided to ensure the continuous supply of such information in the event of failure of the ship's main or emergency source of electrical power.

* * * * *

92. Section 80.1101 is revised to read as follows:

§ 80.1101 Performance standards.

(a) * * * * *

(2) International Telecommunication Union - Telecommunication Standardization Bureau (ITU-T) (Standards formerly designated as CCITT are now designated as ITU-T.)

* * * * *

(5) International Telecommunication Union - Radiocommunication Bureau (ITU-R) (Standards formerly designated as CCIR are now designated as ITU-R.)

(b) * * * * *

(2) ITU-T Recommendation E.161, "Arrangement of Figures, Letters and Symbols on Telephones and Other Devices that Can Be Used for Gaining Access to a Telephone Network," 1989.

(3) ITU-T Recommendation Q.11, "Numbering Plan for the International Telephone Service," 1989.

* * * * *

(6) IEC Publication 60945, "Maritime Navigation and Radiocommunication Equipment and Systems," Edition 4.0

(c) The equipment specified in this subpart must also conform to the appropriate performance standards listed below, which are incorporated by reference, and must be tested in accordance with any IEC testing standards listed in paragraph (11), below, that are applicable.

(1) * * * * *

(ii) ITU-R Recommendation M.540-2, "Operational and Technical Characteristics for an Automated Direct-printing Telegraph System for Promulgation of Navigational and Meteorological Warnings and Urgent Information to Ships," 1990.

(2) VHF radio equipment: (i) IMO Resolution A.803(19), "Performance Standards for Shipborne VHF Radio Installations Capable of Voice Communication and Digital Selective Calling," adopted 23 November 1995, as amended by IMO Resolution MSC.68(68), "Adoption of Amendments to Performance Standards for Shipborne Radiocommunication Equipment."

(ii) ITU-R Recommendation M.493-10, "Digital Selective-calling System for use in the Maritime Mobile Service," 2000, and ITU-R Recommendation M.541-8, "Operational procedures for the use of digital selective-calling equipment in the maritime mobile service," 1997.

(3) MF radio equipment: (i) IMO Resolution A.804(19), "Performance Standards for Shipborne MF Radio Installations Capable of Voice Communication and Digital Selective Calling," adopted 23 November 1995, as amended by IMO Resolution MSC.68(68), "Adoption of Amendments to Performance Standards for Shipborne Radiocommunication Equipment."

(ii) ITU-R Recommendation M.493-10, "Digital Selective-calling System for use in the Maritime Mobile Service," 1997, and ITU-R Recommendation M.541-8, "Operational procedures for the use of digital selective-calling equipment in the maritime mobile service," 1997.

(4) MF/HF radio equipment: (i) IMO Resolution A.806(19), "Performance Standards for Shipborne MF/HF Radio Installations Capable of Voice Communication, Narrow-Band Direct Printing and Digital Selective Calling," adopted 23 November 1995, as amended by IMO Resolution MSC.68(68), "Adoption of Amendments to Performance Standards for Shipborne Radiocommunication Equipment."

(ii) ITU-R Recommendation M.493-10, "Digital Selective-calling System for use in the Maritime Mobile Service," 2000, and ITU-R Recommendation M.541-8, "Operational procedures for the use of digital selective-calling equipment in the maritime mobile service," 1997.

(iii) ITU-R Recommendation M.625-3, "Direct-printing Telegraph Equipment Employing Automatic Identification in the Maritime Mobile Service," 1995. Equipment may conform to ITU-R Recommendation M.476-5, "Direct-Printing Telegraph Equipment in the Maritime Mobile Service," 1995, in lieu of ITU-R Recommendation M.625-3, where such equipment was installed on ships prior to February 1, 1993.

* * * * *

(5) 406.0-406.1 MHz EPIRBs: (i) IMO Resolution A.810(19), "Performance Standards for Float-free Satellite Emergency Position-indicating Radio Beacons (EPIRBs) Operating on 406 MHz," adopted 23 November 1995, and IMO Resolution A.812(19), "Performance Standards for Float-free Satellite Emergency Position-indicating Radio Beacons Operating Through the Geostationary INMARSAT Satellite System on 1.6 GHz, adopted 23 November 1995.

(ii) * * * * *

(iii) ITU-R Recommendation M.633-1, "Transmission Characteristics of a Satellite Emergency Position-indicating Radiobeacon (Satellite EPIRB) System Operating Through a Low Polar-orbiting Satellite System in the 406 MHz Band," 1990.

(iv) The 406.0-406.1 MHz EPIRBs must also comply with 80.1061.

(6) 9 GHz radar transponders: (i) IMO Resolution A.802(19), "Performance Standards for Survival Craft Radar Transponders for Use in Search and Rescue Operations," adopted 23 November 1995.

(ii) ITU-R Recommendation M.628-1, Technical Characteristics for Search and Rescue Radar Transponders," 1997.

(7) Two-Way VHF radiotelephone: (i) IMO Resolution A.809(19), “Performance Standards for Survival Craft Two-Way VHF Radiotelephone Apparatus,” adopted 23 November 1995.

(ii) IMO Resolution MSC.80(70), “Adoption of New Performance Standards for Radiocommunications Equipment,” adopted 8 December 1998.

(8) INMARSAT Ship Earth Station Capable of Two-Way Communications: IMO Resolution A.808(19), “Performance Standards for Ship Earth Stations Capable of Two-Way Communications,” adopted 23 November 1995.

(9) INMARSAT-C SES: IMO Resolution A.807(19), “Performance Standards for INMARSAT Standard-C Ship Earth Stations Capable of Transmitting and Receiving Direct-Printing Communications,” adopted 23 November 1995, as amended by IMO Resolution MSC.68(68), “Adoption of Amendments to Performance Standards for Shipborne Radiocommunication Equipment.”

(10) * * * * *

(11) Standards for testing GMDSS equipment:

(i) IEC 61097-1 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 1: Radar transponder – Marine search and rescue (SART).”

(ii) IEC 61097-3 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 3: Digital selective calling (DSC) equipment.”

(iii) IEC 61097-4 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 4: INMARSAT-C ship earth station and INMARSAT enhanced group call (EGC) equipment.”

(iv) IEC 61097-6 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 6: Narrowband direct-printing telegraph equipment for the reception of navigational and meteorological warnings and urgent information to ships (NAVTEX).”

(v) IEC 61097-7 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 7: Shipborne VHF radiotelephone transmitter and receiver.”

(vi) IEC 61097-8 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 8: Shipborne watchkeeping receivers for the reception of digital selective calling (DSC) in the maritime MF, MF/HF, and VHF bands.”

(vii) IEC 61097-9 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 9: Shipborne transmitters and receivers for use in the MF and HF bands suitable for telephony, digital selective calling (DSC) and narrow band direct printing (NBDP).”

(viii) IEC 61097-10 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 10: Inmarsat-B ship earth station equipment.”

(ix) IEC 61097-12 Ed 1.0, “Global Maritime Distress and Safety System (GMDSS) – Part 12: Survival craft portable two-way VHF radiotelephone apparatus.”

(d) * * * * *

(1) * * * * *

(i) * * * * *

(ii) IMO Resolutions A.802(19), A.803(19), A.804(19), A.806(19), A.807(19), A.808(19), A.810(19), A.811(19) and A.812(19) are contained in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 19th Session, 1995, (IMO, London, 1988), Sales Number IMO--194E ISBN No. 91-801-1416-6.

(iii) IMO Resolutions A.662(16) and A.664(16) are contained in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 16th Session, 1989, (IMO, London, 1990), Sales Number 136 90.04.E

(iv) IMO Resolutions A.694(17), and A.700(17) are contained in the Resolutions and Other Decisions of the Assembly of the International Maritime Organization, 17th Session, 1991, (IMO, London, 1991), Sales Number IMO-142E ISBN No. 91-801-1281-3.

(2) ITU-R Recommendations, ITU Radio Regulations, and ITU-T publications can be purchased from the International Telecommunications Union (ITU), Place des Nations, CH-1211 Geneva 20, Switzerland.

(i) All ITU-R Recommendations referenced in this section are contained in Recommendations of the ITU-R, Volume M series parts 3, 4, and 5.

(ii) ITU-T Recommendation E.161 is contained in Facile II.2 Volume II -- Telephone Network and ISDN Operation, Numbering, Routing and Mobile Service, (ITU, Geneva, 1989, revised in 1993 and 1995).

(iii) ITU-T Recommendation Q.11 is contained in Facile VI.1 Volume II Numbering Plan for the International Telephone Service, (ITU, Geneva, 1989).

(3) IEC publications can be purchased from the International Electrotechnical Commission, 3 Rue de Varembe, CH-1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036, telephone (212) 642-4900

(4) ISO Standards can be purchased from the International Organization for Standardization, 1 Rue de Varembe, CH-1211 Geneva 20, Switzerland, or from the American National Standards Institute (ANSI), 11 West 42nd Street, New York, NY 10036, telephone (212) 642-4900.

(5) Copies of the publications listed in this section that are incorporated by reference may be inspected at the Federal Communications Commission, 445 12th Street, SW, (room CY-A257), Washington, DC, or at the Office of the Federal Register, 800 North Capital Street, NW., suite 700, Washington, DC.

93. Section 80.1103 is amended by revising paragraphs (a) and (e) to read as follows:

§ 80.1103 Equipment authorization.

(a) All equipment specified in § 80.1101 must be certificated in accordance with 47 CFR part 2 specifically for GMDSS use, except for equipment used in the INMARSAT space segment which must be type-approved by INMARSAT and verified in accordance with 47 CFR part 2 specifically for GMDSS use. The technical parameters of the equipment must conform to the performance standards as specified

in §80.1101 of this part. For emergency position-indicating radiobeacons operating on 406.0-406.1 MHz (406.0-406.1 MHz EPIRBs) that were authorized prior to April 15, 1992, and meet the requirements of § 80.1101 of this part, the manufacturer may attest by letter that the equipment (indicate FCC ID#) meets the requirements of § 80.1101 of this part and request that it be denoted as approved for GMDSS use.

* * * * *

(e) In addition to the requirements in part 2 of this chapter, equipment specified in § 80.1101 of this part shall be labeled as follows: "This device complies with the GMDSS provisions of Part 80 of the FCC Rules." Such a label is not required for emergency position-indicating radiobeacons operating on 406.0-406.1 MHz (406.0-406.1 MHz EPIRBs) that were authorized prior to April 15, 1992.

94. Section 80.1105 is amended by adding a new paragraph (k) to read as follows:

§ 80.1105 Maintenance requirements.

* * * * *

(k) Satellite EPIRBs shall be tested at intervals not exceeding 12 months for all aspects of operational efficiency with particular emphasis on frequency stability, signal strength and coding. The test may be conducted on board the ship or at an approved testing or servicing station.

95. Section 80.1111 is amended by revising paragraph (d) to read as follows:

§ 80.1111 Distress alerting.

* * * * *

(d) All stations which receive a distress alert transmitted by digital selective calling must immediately cease any transmission capable of interfering with distress traffic and must continue watch on the digital selective call distress calling channel until the call has been acknowledged to determine if a coast station acknowledges the call using digital selective calling. Additionally, the station receiving the distress alert must set watch on the associated distress traffic frequency for five minutes to determine if distress traffic takes place. The ship can acknowledge the call using voice or narrowband direct printing as appropriate on this channel to the ship or to the rescue authority.

* * * * *

96. Section 80.1113 is amended by revising paragraphs (b) and (d) to read as follows:

§ 80.1113 Transmission of a distress alert.

* * * * *

(b) The format of distress calls and distress messages must be in accordance with ITU-R Recommendation M.493-10 as specified in § 80.1101 of this part.

* * * * *

(d) Ship-to-ship distress alerts are used to alert other ships in the vicinity of the ship in distress and are based on the use of digital selective calling in the VHF and MF bands. The HF bands should not be used to notify ships in the vicinity unless no response is received within five minutes on VHF or MF.

* * * * *

97. A new section 80.1114 is added to read as follows:

§ 80.1114 False distress alerts.

The provisions of §§ 80.334 and 80.335 of this part apply.

98. Section 80.1117 is amended by revising paragraph (a) as follows:

§ 80.1117 Procedure for receipt and acknowledgement of distress alerts.

(a) Normally, distress calls received using digital selective calling are only acknowledged using a DSC acknowledgement by a coast station. Ships should delay any acknowledgement in order to give sufficient time for a coast station to acknowledge the call. In cases where no acknowledgement has been heard and no distress traffic has been heard, the ship should transmit a distress alert relay to the coast station. Upon advice from the Rescue Coordination Center, the ship may transmit a DSC acknowledgement call to stop it from being repeated. Acknowledgement by digital selective calling of receipt of a distress alert in the terrestrial services must comply with ITU-R Recommendation M.541-8, which is incorporated by reference.

* * * * *

99. Section 80.1121 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 80.1121 Receipt and acknowledgement of distress alerts by ship stations and ship earth stations.

* * * * *

(b) For VHF and MF, ships in receipt of a distress alert shall not transmit a distress alert relay, but should listen on the distress traffic channel for 5 minutes and, if appropriate, acknowledge the alert by radiotelephony to the ship in distress and inform the coast station and/or Rescue Coordination Center. Distress alert relays to "all ships" on these bands may only be sent by a ship who has knowledge that another ship in distress, is not itself able to transmit the distress alert, and the Master of the ship considers that further help is necessary.

(c) For HF, ships in receipt of a distress alert shall listen on the distress traffic channel for 5 minutes. If no distress communications are heard and if the call is not acknowledged by a coast station, the ship shall transmit a distress relay on HF to the coast radio station and inform the Rescue Coordination Center. Distress alert relays to "all Ships" on HF may only be sent by a ship who has knowledge that another ship in distress is not itself able to transmit the distress alert and the Master of the ship considers that further help is necessary.

(d) In cases where distress alert continues to be received from the same source, the ship may, after consultation with the Rescue Coordination Center, transmit a DSC acknowledgment to terminate the call.

* * * * *

100. Section 80.1123 is amended by revising paragraphs (c) and (d) to read as follows:

§ 80.1123 Watch requirements for ship stations.

* * * * *

(c) Until February 1, 2005, every ship while at sea must maintain, when practicable, a continuous listening watch on VHF Channel 16. This watch must be kept at the position from which the ship is normally navigated or at a position which is continuously manned.

(d) Every ship required to carry a radiotelephone watch receiver must maintain, while at sea, a continuous watch on the radiotelephone distress frequency 2182 kHz. This watch must be kept at the position from which the ship is normally navigated or at a position which is continually manned.

* * * * *

101. Section 80.1125 is amended by revising paragraph (b) to read as follows:

§80.1125 Search and rescue coordinating communications.

(a) * * * * *

(b) Error correction techniques, in accordance with ITU-R Recommendation 625 as specified in §80.1101 of this part, must be used for distress traffic by direct-printing telegraphy. All messages must be preceded by at least one carriage return, a line feed signal, a letter shift signal and the distress signal MAYDAY.

* * * * *

102. Section 80.1127 is amended by revising paragraphs (b) and (c) to read as follows:

§ 80.1127 On-scene communications.

(a) * * * * *

(b) Control of on-scene communications is the responsibility of the unit coordinating search and rescue operations. Simplex communications must be used so that all on-scene mobile stations may share relevant information concerning the distress incident. If direct-printing telegraphy is used, it must be in the forward error-correcting mode in accordance with ITU-R Recommendation 625 as specified in §80.1101 of this part.

(c) The preferred frequencies in radiotelephony for on-scene communications are 156.8 MHz and 2182 kHz. The frequency 2174.5 kHz may also be used for ship-to-ship on-scene communications using narrow-band direct-printing telegraphy in the forward error correcting mode in accordance with ITU-R Recommendation 625 as specified in § 80.1101 of this part.

* * * * *

103. Section 80.1129 is amended by revising paragraph (d) to read as follows:

§ 80.1129 Locating and homing signals.

* * * * *

(d) The 9 GHz locating signals must be in accordance with ITU-R Recommendation 628 as specified in § 80.1101 of this part.

104. Section 80.1131 is amended by revising paragraph (j) to read as follows:

§80.1131 Transmissions of urgency communications.

* * * * *

(j) Error correction techniques, in accordance with ITU-R Recommendation 625 as specified in §80.1101 of this part, must be used for urgency messages by direct-printing telegraphy. All messages must be preceded by at least one carriage return, a line feed signal, a letter shift signal and the urgency signal PAN PAN.

* * * * *

105. Section 80.1133 is amended by revising paragraph (g) to read as follows:

§ 80.1133 Transmission of safety communications.

* * * * *

(g) Error correction techniques, in accordance with ITU-R Recommendation 625 as specified in §80.1101 of this part, must be used for safety messages by direct-printing telegraphy. All messages must be preceded by at least one carriage return, a line feed signal, a letter shift signal and the safety signal SECURITE.

* * * * *

106. Section 80.1135 is amended by revising paragraph (b) to read as follows:

§80.1135 Transmission of maritime safety information.

* * * * *

(b) The mode and format of the transmissions mentioned in this section is in accordance with the ITU-R Recommendation 540 as specified in § 80.1101 of this part.

APPENDIX C**Proposed Rules**

Chapter I of Title 47 of the Code of Federal Regulations, Part 80, is proposed to be amended as follows:

1. The authority citation for Part 80 continues to read as follows:

AUTHORITY: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064-1068, 1081-1105, as amended; 47 U.S.C. 151-155, 301-609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

2. Section 80.225 is amended by revising paragraphs (a) and (c) to read as follows:

§ 80.225 Requirements for selective calling equipment.

* * * * *

(a) DSC equipment voluntarily installed in coast or ship stations must meet either the requirements of ITU-R Recommendation 493-10 (including only equipment classes A, B, D, and E) or RTCM Paper 56-95/SC101-STD. DSC equipment must not be used with the sensors referred to in § 80.179(e)(2). DSC equipment used on compulsorily fitted ships must meet the requirements contained in subpart W for GMDSS. All DSC equipment must:

- (i) allow the operator to disable any automatic radiotelephone channel switching function;
- (ii) allow the operator the option of manually acknowledging any call;
- (iii) not allow the automatic composition of a distress relay alert whose acknowledgment had already been received;
- (iv) automatically erase any position information not updated for more than 23 ½ hours;
- (v) explicitly prohibit the offering of wrong identities in relay messages;
- (vi) ensure that default selections in a displayed menu requesting input, when allowed, should at a minimum follow ITU-R Recommendation M.541-8. A default selection shall never cause an improper or illegal operation.

* * * * *

3. Section 80.373 is amended by revising paragraph (f) to read as follows:

* * * * *

(f) Frequencies in the 156-162 MHz band. The following tables describe the carrier frequencies available in the 156-162 MHz band for radiotelephone communications between ship and private coast stations. (Note: the letter “A” following the channel designator indicates simplex operation on a channel designated internationally as a duplex channel.)

Frequencies in the 156-162 MHz band

Channel designator	Carrier frequency (MHz) Ship transmit	Carrier frequency (MHz) Coast transmit	Points of communication (Intership and between Coast and ship unless otherwise indicated)
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Port Operations

01A ¹	156.050	156.050	
63A ¹	156.175	156.175	
05A ²	156.250	156.250	
65A	156.275	156.275	
66A	156.325	156.325	
12 ³	156.600	156.600	
73	156.675	156.675	
14 ³	156.700	156.700	
74	156.725	156.725	
75 ¹⁸	156.775	156.775	
76 ¹⁸	156.825	156.825	
77 ⁴	156.875	.....
20A ¹²	157.000	.....
			Intership only. Intership only.

Navigational (Bridge-to-Bridge)⁵

13 ⁶	156.650	156.650	
67 ⁷	156.375	156.375	

Commercial

01A ¹	156.050	156.050	Intership only. Do.
63A ¹	156.175	156.175	
07A	156.350	156.350	
67 ⁷	156.375	.....
08	156.400	.....
09	156.450	156.450	
10	156.500	156.500	
11 ³	156.550	156.550	
18A	156.900	156.900	
19A	156.950	156.950	
79A	156.975	156.975	
80A	157.025	157.025	
88A ⁸	157.425	.....
72 ¹⁴	156.625	Intership only. Intership only.

Digital Selective Calling

70 ¹⁵	156.525	156.525	
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Noncommercial

68 ¹⁷	156.425	156.425	Intership only.
09 ¹⁶	156.450	156.450	
69	156.475	156.475	
71	156.575	156.575	
72	156.625	.....

78A	156.925	156.925	Great Lakes only. Do. Intership only.
79A	156.975	156.975	
80A	157.025	157.025	
67 ¹⁴	156.375	.....
Distress, Safety and Calling			
16	156.800	156.800	
Intership Safety			
06	156.300	.....	a. Intership, or b. For SAR: Ship and aircraft for the U.S. Coast Guard.
Environmental			
15 ¹³ .....	.....	156.750	Coast to ship only.
Maritime Control			
17 ^{9, 10}	156.850	156.850	
Liaison and Safety Broadcasts, U.S. Coast Guard			
22A ¹¹	157.100	157.100	Ship, aircraft, and coast stations of the U.S. Coast Guard and at Lake Mead, Nev., ship and coast stations of the National Park Service, U.S. Department of the Interior.

¹ 156.050 MHz and 156.175 MHz are available for port operations and commercial communications purposes when used only within the U.S. Coast Guard designated Vessel Traffic Services (VTS) area of New Orleans, on the lower Mississippi River from the various pass entrances in the Gulf of Mexico to Devil's Swamp Light at River Mile 242.4 above head of passes near Baton Rouge.

² 156.250 MHz is available for port operations communications use only within the U.S. Coast Guard designated VTS radio protection areas of New Orleans and Houston described in § 80.383.

³ 156.550 MHz, 156.600 MHz and 156.700 MHz are available in the U.S. Coast Guard designated port areas only for VTS communications and in the Great Lakes available primarily for communications relating to the movement of ships in sectors designated by the St. Lawrence Seaway Development Corporation or the U.S. Coast Guard. The use of these frequencies outside VTS and ship movement sector protected areas is permitted provided they cause no interference to VTS and ship movement communications in their respective designated sectors.

⁴ Use of 156.875 MHz is limited to communications with pilots regarding the movement and docking of ships. Normal output power must not exceed 1 watt.

⁵ 156.375 MHz and 156.650 MHz are available primarily for intership navigational communications. These frequencies are available between coast and ship on a secondary basis when used on or in the vicinity of locks or drawbridges. Normal output power must not exceed 1 watt. Maximum output power must not exceed 10 watts for coast stations or 25 watts for ship stations.

⁶ On the Great Lakes, in addition to bridge-to-bridge communications, 156.650 MHz is available for vessel control purposes in established vessel traffic systems. 156.650 MHz is not available for use in the Mississippi River from South Pass Lighted Whistle Buoy "2" and Southwest Pass entrance Mid-channel Lighted Whistle Buoy to mile 242.4 above Head of Passes near Baton Rouge. Additionally it is not available for use in the Mississippi River-Gulf Outlet, the Mississippi River-Gulf Outlet Canal, and the Inner Harbor Navigational Canal, except to aid the transition from these areas.

⁷ Use of 156.375 MHz is available for navigational communications only in the Mississippi River from South Pass Lighted Whistle Buoy "2" and Southwest Pass entrance Mid-channel Lighted Whistle Buoy to mile 242.4 above Head of Passes near Baton Rouge, and in addition over the full length of the Mississippi River-Gulf Outlet Canal from entrance to its junction with the Inner Harbor Navigational Canal, and over

the full length of the Inner Harbor Navigational Canal from its junction with the Mississippi River to its entry to Lake Pontchartrain at the New Seabrook vehicular bridge.

⁸ Within 120 km (75 miles) of the United States/Canada border, in the area of the Puget Sound and the Strait of Juan de Fuca and its approaches, 157.425 MHz is half of the duplex pair designated as Channel 88. In this area, Channel 88 is available to ship stations for communications with public coast stations only. More than 120 km (75 miles) from the United States/Canada border, in the area of the Puget Sound and the Strait of Juan de Fuca, its approaches, the Great Lakes, and the St. Lawrence Seaway, 157.425 MHz is available for intership and commercial communications. Outside Puget Sound area and its approaches and the Great Lakes, 157.425 MHz is also available for communications between commercial fishing vessels and associated aircraft while engaged in commercial fishing activities.

⁹ When the frequency 156.850 MHz is authorized, it may be used additionally for search and rescue training exercises conducted by state or local governments.

¹⁰ The frequency 156.850 MHz is additionally available to coast stations on the Great Lakes for transmission of scheduled Coded Marine Weather Forecasts (MAFOR), Great Lakes Weather Broadcast (LAWEB) and unscheduled Notices to Mariners or Bulletins. F3C and J3C emissions are permitted. Coast stations on the Great Lakes must cease weather broadcasts which cause interference to stations operating on 156.800 MHz until the interference problem is resolved.

¹¹ The frequency 157.100 MHz is authorized for search and rescue training exercises by state or local government in conjunction with U.S. Coast Guard stations. Prior U.S. Coast Guard approval is required. Use must cease immediately on U.S. Coast Guard request.

¹² The duplex pair for channel 20 (157.000/161.600 MHz) may be used for ship to coast station communications.

¹³ Available for assignment to coast stations, the use of which is in accord with an agreed program, for the broadcast of information to ship stations concerning the environmental conditions in which vessels operate, i.e., weather; sea conditions; time signals; notices to mariners; and hazards to navigation.

¹⁴ Available only in the Puget Sound and the Strait of Juan de Fuca.

¹⁵ The frequency 156.525 MHz is to be used exclusively for distress, safety and calling using digital selective calling techniques. No other uses are permitted.

¹⁶ The frequency 156.450 MHz is available for intership, ship and coast general purpose calling by noncommercial vessels, such as recreational boats and private coast stations.

¹⁷ The frequency 156.425 MHz is assigned by rule to private coast stations in Alaska for facsimile transmissions as well as voice communications.

¹⁸ The frequencies 156.775 and 156.825 MHz are available for navigation-related port operations or ship movement only, and all precautions must be taken to avoid harmful interference to channel 16. Transmitter output power is limited to 1 watt for ship stations, and 10 watts for coast stations.

* * * * *

4. Section 80.1083 is amended by adding a new paragraph (d) to read as follows:

§ 80.1083 Ship radio installations

* * * * *

(d) In passenger ships,

(i) a distress panel must be installed at the conning position. This panel shall contain either one single button which, when pressed, initiates a distress alert using all radiocommunications installations required on board for that purpose or one button for each individual installation. The panel must clearly and visually indicate whenever any button or buttons have been pressed. Means must be provided to prevent inadvertent activation of the button or buttons. If the satellite EPIRB is used as the secondary means of distress alerting

and is not remotely activated, it shall be acceptable to have an additional EPIRB installed in the wheelhouse near the conning position;

(ii) information on the ship's position must be continuously and automatically provided to all relevant radiocommunications equipment to be included in the initial distress alert when the button or buttons on the distress panel is pressed; and

(iii) a distress alarm panel must be installed at the conning position. The distress alarm panel must provide visual and aural indication of any distress alert or alerts received on board and shall also indicate through which radiocommunication service the distress alerts have been received.

5. Section 80.1085 is amended by adding new paragraph (d) to read as follows:

§ 80.1085 Ship radio equipment-General.

* * * * *

(d) Every passenger ship shall be provided with means for two-way on-scene radiocommunications for search and rescue purposes using the aeronautical frequencies 121.5 and 123.1 MHz from the position from which the ship is normally navigated.

APPENDIX D

INITIAL REGULATORY FLEXIBILITY ANALYSIS

As required by the Regulatory Flexibility Act (RFA),³³⁷ the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in the *Further Notice of Proposed Rule Making* in WT Docket No. 00-48 (*Further Notice*). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Further Notice* as provided in paragraph 142 of the item. The Commission will send a copy of the *Further Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.³³⁸ In addition, the *Further Notice* and IRFA (or summaries thereof) will be published in the Federal Register.³³⁹

A. Need for, and Objectives of, the Proposed Rules:

The proposed rules in the *Further Notice* are intended to further streamline, consolidate and clarify the Commission's Part 80 Rules; remove unnecessary or duplicative requirements; address new international maritime requirements; and promote flexibility and efficiency in the use of marine radio equipment in a manner that will further maritime safety. In the *Further Notice*, we request comment specifically on whether we should: (1) establish a voluntary restricted GMDSS license or take other measures to address the needs of recreational vessel operators;³⁴⁰ (2) clarify or change the safety watch obligations of public coast stations;³⁴¹ (3) permit unattended operation of non-DSC equipment;³⁴² (4) prohibit ship stations from including any device capable of transmitting on a distress frequency without regulatory authorization;³⁴³ (5) delete any existing emission classes;³⁴⁴ (6) permit the use of Channels 75 and 76 for navigation-related port operations, subject to specified power limits, and also require that transmitters operating on such channels be limited to the specified power limits, with no manual override capability;³⁴⁵ (7) codify in the Rules the RTCM's Recommended Practices for DSC equipment;³⁴⁶ (8) revise our radiotelephone and radiotelegraph distress call and message transmission procedures to incorporate DSC

³³⁷ See 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Pub. L. No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

³³⁸ See 5 U.S.C. § 603(a).

³³⁹ *Id.*

³⁴⁰ See ¶¶ 109-10, *supra*.

³⁴¹ See ¶¶ 111-13, *supra*.

³⁴² See ¶ 114, *supra*.

³⁴³ See ¶ 115, *supra*.

³⁴⁴ See ¶ 116, *supra*.

³⁴⁵ See ¶¶ 117-18, *supra*.

³⁴⁶ See ¶ 119, *supra*.

and GMDSS procedures;³⁴⁷ (9) authorize the use of INMARSAT-E EPIRBs by U.S. vessels operating solely within the INMARSAT coverage footprint;³⁴⁸ (10) require that small passenger vessels be outfitted with DSC equipment;³⁴⁹ (11) mandate that, on passenger ships, at least one qualified person be assigned to perform only radio communications duties during distress situations;³⁵⁰ and (12) incorporate additional SOLAS requirements for equipment in Subpart W.³⁵¹ We also seek comment on issues pertaining to e-mail requests, Part 80 tables of frequencies, GMDSS radio operator examination requirements, and Part 80 cross-references to Part 2 of the Rules.³⁵²

B. Legal Basis:

Authority for issuance of this item is contained in Sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r) and 403.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply:

Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions, or entities.³⁵³ The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.³⁵⁴ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”³⁵⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.³⁵⁶ A small business concern is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.³⁵⁷ Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency after consultation with the Office of Advocacy of the SBA, and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

Small businesses in the aviation and marine radio services use a marine very high frequency (VHF) radio, any type of emergency position indicating radio beacon (EPIRB) and/or radar, a VHF aircraft radio, and/or any type of emergency locator transmitter (ELT). The Commission has not

³⁴⁷ See ¶ 120, *supra*.

³⁴⁸ See ¶ 121, *supra*.

³⁴⁹ See ¶¶ 122-25, *supra*.

³⁵⁰ See ¶ 126, *supra*.

³⁵¹ See ¶¶ 127-28, *supra*.

³⁵² See ¶¶ 129-32, *supra*.

³⁵³ 5 U.S.C. § 601(6).

³⁵⁴ 5 U.S.C. § 603(b)(3).

³⁵⁵ *Id.*

³⁵⁶ 5 U.S.C. § 601(3).

³⁵⁷ 5 U.S.C. § 632.

developed a definition of small entities specifically applicable to these small businesses. For purposes of this IRFA, therefore, the applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) communications. This definition is that a “small entity” for purposes of public coast station licensees, a subgroup of marine radio users, is any entity employing 1,500 or fewer persons. 13 C.F.R. § 121.201, Standard Industrial Classification (SIC) Code 4812 (now NAICS Code 513322). Since the size data provided by the Small Business Administration do not enable us to make a meaningful estimate of the number of marine radio service providers and users that are small businesses, we have used the 1992 Census of Transportation, Communications, and Utilities, conducted by the Bureau of the Census, which is the most recent information available. This document shows that 12 radiotelephone firms out of a total of 1,178 such firms which operated in 1992 had at least 1,000 employees. Thus, we estimate that as many as 1,166 small entities will be affected. We invite comment on whether this is the correct definition to use in this context.³⁵⁸

The proposed amendments may also affect small businesses that manufacture marine radio equipment. The Commission has not developed a definition of small entities applicable to Radio Frequency Equipment Manufacturers (RF Manufacturers). Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to manufacturers of “Radio and Television Broadcasting and Communications Equipment.” According to the SBA regulations, an RF manufacturer must have 750 or fewer employees in order to qualify as a small business.³⁵⁹ Census Bureau data indicate that there are 858 companies in the United States that manufacture radio and television broadcasting and communications equipment, and that 778 of these firms have fewer than 750 employees and would be classified as small entities.³⁶⁰ Some of the companies that manufacture RF equipment may qualify as small entities. We invite comment on whether this is the correct definition to use in this context.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements:

The *Further Notice* seeks comment on a number of possible rule changes that may affect reporting, recordkeeping and other compliance requirements.

The *Further Notice* seeks comment on a proposal by the USCG to require any coast station operating on Channel 70 to answer a distress call on Channel 70 if a USCG station does not or cannot answer such a call within the required time. We ask that commenters provide information on the economic impact of such a requirement on public coast stations.³⁶¹

The *Further Notice* seeks comment on a proposal by the USCG to amend 47 C.F.R. § 80.203 to bar ship stations from including any device capable of transmitting on a distress frequency without regulatory authorization. We invite comment specifically on the impact such a rule change may have on

³⁵⁸ We believe that using the definition of radiotelephone operators in this context is fully consonant with the spirit of the RFA in that it likely overstates the number of small businesses that own and operate large oceangoing vessels in the commercial maritime industry. See, e.g., Waterborne Transportation Lines of the United States, Volume 2, Vessel Company Summary, available on the World Wide Web at <http://www.iwr.usace.army.mil/ndc/>, for information on the businesses involved in this industry. We thus choose to err, if at all, on the side of overestimating the number of small entities potentially affected by these rules.

³⁵⁹ See 13 C.F.R. § 121.201, North American Industrial Classification System (NAICS) Code 33422.

³⁶⁰ See U.S. Department of Commerce, 1992 Census of Transportation, Communications and Utilities (issued May 1995), NAICS code 33422.

³⁶¹ See ¶ 113, *supra*.

manufacturers.³⁶²

The *Further Notice* seeks comment on USCG proposals to make Channels 75 and 76 available for navigation-related port operations, including a proposal to amend 47 C.F.R. § 80.215(g)(3) to require that transmitters reduce the carrier power to one watt or less when tuned to Channel 75 or 76, with no manual override capability. We ask commenters to address the impact such a rule change would have on manufacturers. We ask specifically whether all new radios should be required to have the two new channels, and request suggestions on appropriate grandfathering clauses, should the new transmitter power and channel addition proposals be implemented.³⁶³

The *Further Notice* seeks comment on a USCG proposal to incorporate in 47 C.F.R. § 80.225 the RTCM Special Committee's Recommended Practices for Digital Selective Calling Equipment Design and Implementation. We note that this change would affect manufacturers of basic selective calling equipment as well as digital selective calling equipment, and ask commenters to address whether and, if so, to what extent existing equipment should be grandfathered if this proposal is adopted.³⁶⁴

The *Further Notice* seeks comment on a proposal to amend 47 C.F.R. § 80.905(a) to require that the VHF and MF radios mandated by that rule be DSC-equipped. We observe that this is a major change that would affect numerous passenger ships, and express concern over the propriety of such a rule change given that DSC is GMDSS equipment, and small passenger vessels are not covered by our GMDSS rules.³⁶⁵

The *Further Notice* seeks comment on a USCG proposal to further amend 47 C.F.R. § 80.905(a) to mandate that newly fitted SSB radios required of ships operating over one hundred nautical miles from shore be DSC-equipped in accordance with ITU-R Rec. (series) M.493. It also seeks comment on a related Task Force recommendation to prohibit vessels operating over two hundred nautical miles from shore from using an SSB radio in lieu of the HF-DSC channels prescribed for GMDSS. We seek further comment on these changes for the same reasons applicable to our Section 80.905(a) proposal discussed in the preceding paragraph.³⁶⁶

The *Further Notice* seeks comment on a proposal to further amend 47 C.F.R. § 80.905(a) to specify that the INMARSAT ship earth stations that may be carried by ships operating more than one hundred nautical miles from shore in lieu of an SSB radio be limited to ship earth stations authorized under this section to INMARSAT A (existing units only), B, C or M. It also seeks comment on a USCG proposal to amend 47 C.F.R. § 80.905(a) to revise the requirements regarding testing of battery chargers and updating of position information applicable to vessels required to carry SSB radios. We seek public comment on these proposals, particularly with respect to their potential impact on small passenger vessels.³⁶⁷

The *Further Notice* seeks comment on proposals to amend 47 C.F.R. §§ 80.1073, 80.1083, and 80.1085 to incorporate additional GMDSS requirements for passenger ships. These proposed rule changes

³⁶² See ¶ 115, *supra*.

³⁶³ See ¶ 118, *supra*.

³⁶⁴ See ¶ 119, *supra*.

³⁶⁵ See ¶ 122, *supra*.

³⁶⁶ See ¶ 123, *supra*.

³⁶⁷ See ¶¶ 124-125, *supra*.

pertain to the availability of GMDSS radio operators in cases of distress, the installation and operation of distress panels, and equipment that can be used for two-way search and rescue purposes on the aeronautical frequencies 121.5 MHz and 123.1 MHz. Comment is invited on all aspects of these proposals, including the economic impact, if any, on small entities.³⁶⁸

Finally, commenters are asked to identify any other proposed or discussed rule changes in the *Further Notice* that may have a significant economic impact on a substantial number of small entities.

³⁶⁸ See ¶¶ 126-128, *supra*.

E. Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered:

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

The *Further Notice* solicits comment on a variety of alternatives set forth herein that fit into one or more of the above categories. For example, we ask commenters to consider whether we should provide grandfathering protection if we adopt certain of the proposed requirements, and thereby relieve either all affected entities or affected small entities of the burdens that would attend immediate implementation of the requirements with no transitional period. We ask if existing transmitters should be grandfathered from requirements, if adopted, that transmitters be capable of operating on Channels 75 and 76 and that transmitters reduce the carrier power to one watt or less when tuned to those channels, with no manual override capability.³⁶⁹ We also ask if existing digital selective calling equipment should be grandfathered with respect to a requirement, if adopted, to incorporate the RTCM Special Committee's Recommended Practices for Digital Selective Calling Equipment Design and Implementation.³⁷⁰

In addition, we hereby invite commenters to address the possibility of exempting certain entities, particularly small entities, from some of the proposed requirements. For example, we seek comment on whether the proposed amendment of 47 C.F.R. § 80.225 should apply to manufacturers of basic selective calling equipment as well as manufacturers of digital selective calling equipment.³⁷¹ We also question whether small passenger vessels should be exempt from the DSC requirements that would otherwise apply to them by virtue of the proposed amendment of 47 C.F.R. § 80.905(a).³⁷² More broadly, commenters may suggest, with respect to any entities, including small entities, exemptions from any of the requirements proposed or discussed in the *Further Notice*.

Further, the proposed requirements for new equipment generally take the form of performance standards rather than design standards, and therefore confer on smaller entities the flexibility to select the most economical design that can achieve the required performance. For example, the RTCM standards for digital selective calling equipment that we propose to incorporate in 47 C.F.R. § 80.225 mandate certain functionality for digital selective calling equipment but do not mandate that manufacturers design their equipment in any particular way in order to achieve that functionality.³⁷³ In a similar vein, the proposed requirements for INMARSAT-E EPIRBs are framed strictly in terms of performance standards.³⁷⁴

³⁶⁹ See ¶ 118, *supra*.

³⁷⁰ See ¶ 119, *supra*.

³⁷¹ See *id*.

³⁷² See ¶¶ 123-25, *supra*.

³⁷³ See ¶ 119, *supra*.

³⁷⁴ See ¶ 121, *supra*.

We hereby invite interested parties to address any or all of these regulatory alternatives and to suggest additional alternatives to minimize any significant economic impact on small entities. Any significant alternative presented in the comments will be considered.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules:

None.

G. Ordering Clauses:

The Commission will send a copy of this *Report and Order and Further Notice of Proposed Rule Making*, including a copy of the Final Regulatory Flexibility Certification and a copy of this Initial Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.³⁷⁵ In addition, this *Report and Order and Further Notice of Proposed Rule Making*, Final Regulatory Flexibility Certification and Initial Regulatory Flexibility Analysis will be sent to, the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the Federal Register.³⁷⁶

IT IS FURTHER ORDERED that the Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Report and Order and Further Notice of Proposed Rule Making*, including the Final Regulatory Flexibility Certification and Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

³⁷⁵ See 5 U.S.C. § 801(a)(1)(A).

³⁷⁶ See 5 U.S.C. § 605(b).

**STATEMENT OF COMMISSIONER
MICHAEL J. COPPS**

RE: Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications.

I support today's Order. However, I am concerned with one aspect of our treatment of the Global Maritime Distress and Safety System ("GMDSS"). In our Order, we "delay requirements for fishing vessels to fit GMDSS equipment . . . on vessels which sail exclusively in Sea Areas A1 and A2, until one year after the USCG establishes Sea Areas A1 and/or A2."³⁷⁷ I recognize the costs of implementing the GMDSS system, and the unique circumstance created by Coast Guard facilities not being complete in these areas. One of the primary responsibilities of the Commission, however, is to promote "safety of life and property through the use of wire and radio communication."³⁷⁸ I hope that we will monitor this situation closely to ensure that continued delays in the system do not place commercial vessels and public safety personnel at risk.

³⁷⁷ *In the Matter of Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications*, Report and Order and Further Notice of Proposed Rulemaking, WT Doc No. 00-48, ¶ 9.

³⁷⁸ 47 U.S.C. § 151.